MINORITY RIGHTS

Problems, Parameters, and Patterns in the CSCE Context

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Letter of Transmittal

Principle VII of the 1975 Helsinki Final Act pledges the participating States to "respect the right of persons belonging to [national] minorities to equality before the law, [to] afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere." Since the adoption of that language, problems of minorities have become more acute and, in some places, threatening to the very stability of Europe itself. As a consequence, minority rights have taken on a heightened profile in the Helsinki process.

This year, the CSCE convened its first meeting devoted exclusively to minority rights and, in the words of the Paris Charter for a New Europe, to the "urgent need for increased cooperation on, as well as better protection of, national minorities." Recent events in Yugoslavia and in the Soviet Union illustrate the present difficulty of dealing with past grievances. But as is pointed out in this report, these countries are not alone in struggling with the complexities and contradictions that characterize this important issue; continued conflict in Northern Ireland as well as renewed friction over the status of Quebec in Canada confirm that even long-standing, relatively stable democracies must continue to search for new ways to accommodate the aspirations of its minorities.

We are pleased to provide you with the following Helsinki Commission staff report on national minorities. Mandated to monitor and encourage progress in implementing the provisions of the Helsinki Final Act, the Commission feels it is its duty to address some of the more troubling issues confronting the CSCE community. Although not an exhaustive examination of minority rights, we hope this report will contribute to the discussion of these pressing issues by considering both violations of minority rights within the CSCE as well as instances of success.

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TABLE OF CONTENTS

Letter of Transmittal . . . iii

Historical Background . . . 1

The Current Debate . . . 7

Established Approaches . . . 19

Countries in Transition -- Case Studies:

- The USSR and the Baltic States -- Summary . . . 37
  - Jews in the USSR . . . 45
  - Germans in the USSR . . . 57
  - Ossetians in Georgia . . . 65
  - Ukraine . . . 75
  - Russians in Estonia . . . 85
  - Poles in Lithuania . . . 99

- Yugoslavia -- Summary . . . 111
  - Albanians in Kosovo . . . 117
  - Serbs in Croatia . . . 129

- Roma in Europe . . . 139

- Hungarians in Romania . . . 147

- Turks in Bulgaria . . . 161

Historical Introduction

The euphoria of 1989-90, when "The Wall" came tumbling down and communist dictatorships in Europe fell (for the most part, peacefully), has yielded to a far more sober mood. This reassessment has many causes, including concern about the prospects for lasting reform in the Soviet Union, doubts about the extent of the democratic transformation in some former communist countries, as well as the difficulties East European states have encountered in developing market systems. Another source of acute concern, however, is the sharp upsurge in the USSR and East-Central Europe of national animosities, long muffled under communist rule.

Most headlines on this issue in the summer of 1991 focus on the violence in Yugoslavia. But minority tensions are by no means unique to that country: Soviet President Mikhail Gorbachev recently observed to Italian Prime Minister Giulio Andreotti that Yugoslavia's problems mirrored those faced by the Soviet Union.[1] Nor have Western Europe and North America enjoyed any special immunity from minority problems, which, in fact, have surfaced throughout CSCE countries.

Drawing parallels between contemporary events and national tensions during the interwar period, some commentators betray perplexity at the sudden eruption at the close of the 20th century of a type of problem about which relatively little had been heard for years. Some of this chagrin derives from natural disappointment at anything that rains on the parade ending the cold war, for so long almost the sole perceived cause of international tensions. Yet such lamentations, and occasionally the policy recommendations put forward to address the issue, also contain a certain annoyance, as if those writing prescriptions were unwilling to be distracted by divisive, anachronistic feuds, especially as Europe proceeds towards economic and political integration.

But if the 20th century has shown anything, it is surely that nationalism--despite the predictions and efforts of rationalists in their various guises--is still very much alive. One consequence is that the striving to create nation-states remains powerful among peoples whom history, their neighbors and sometimes distant powers had deprived of the opportunity; one implication is that many minorities remain in precarious circumstances, and this problem will not be wished away.

Nationalism and National Minorities

Most scholars date the rise of nationalism to 18th century Europe, linking it to the entrance of the masses into political life. Different historians assign the primary parental role in the birth of the doctrine itself to different thinkers and stress different aspects of its nature and historical consequences. Most, however, would agree on the following at a minimum: nationalism as a doctrine argues that humanity is naturally divided into nations, which are distinguished from each other by their historically conditioned traits, especially language, and national self-government in the form of nation-states is the only legitimate form of government.[2]

From the time these notions gathered force in the early 19th century, the position of national minorities became uncertain, as pressures for their assimilation or elimination were inherent in the nationalist doctrine. This was particularly problematic in southeastern Europe, where centuries of migrations and conquests had left an extraordinarily complex ethnic mix. Many historians emphasize the distinction between nationalism as it developed in Western and Eastern Europe. In the former, especially France and England, dynasties relatively early united territories and peoples, and political notions of nationality predominated; in the latter, the process of state and nation-building lagged behind, so demands for cultural self-determination preceded demand for political self-determination, and nationality was widely understood as common descent.[3]

In America, of course, the situation was completely different, as the country's population, apart from its native inhabitants, consisted of immigrants from all over the globe, as well as slaves forcibly imported from Africa. An American "nation-state," in the pure sense of the term, was from the beginning impossible, and minorities in the American context were primarily racial, not national. Moreover, the American political system related to citizens as individuals, not as groups, a feature it shared with Australia and Canada. In fact, one scholar has recently concluded that minority rights were of little relevance everywhere but in Europe, at least until "human rights" became a founding principle of the United Nations.[4]

In East-Central Europe, the desire for policies encompassing nations was a constant source of discontent after 1848 and bedevilled the empires that ruled most of the region. While Austria-Hungary experimented with various approaches, including autonomy for particular regions and peoples, the Russian Empire increasingly favored repressive measures, especially after the 1880's. The weakening Ottoman Empire, by contrast, gradually lost its hold on southeastern Europe, with Montenegro, Serbia, Greece, Romania and Bulgaria gaining their independence before 1914. But none of the policies applied by these imperial governments successfully addressed the problems of nationalism and national minorities, which were widely perceived as having played a key causal role in World War I and their downfall.

Not only imperial governments wrestled with the national problem; so did political movements, especially those in multi-national environments. An important contribution to the conceptualization of the issue in the late 19th and early 20th centuries was rendered by the Austrian Social Democrats Karl Renner and Otto Bauer. They elaborated a revolutionary idea based on national cultural autonomy, which essentially sought to de-link nationality from territory. Renner and Bauer envisaged organizing members of each nationality into associations on the local, regional and state level that would manage its people's educational and cultural--but not economic or political--affairs, independent of the state's administrative-territorial structure.[5]

International Efforts to Protect National Minorities

The powers at the 1919 Paris Peace Conference did not adopt any such radical approach in their determination to mitigate the instability generated by national tension. Instead, they wound up trying simultaneously to accommodate the urge of nationalism towards nation-states, which they saw as "self-determination," and to regulate by international law and mechanisms the treatment of the nation-state's implicit victims--national minorities.[6] On the assumption that mixed populations were a recipe for trouble, the victorious Allies tried to redraw borders along national lines, but their cartographic artistry and population transfers only reduced the number of national minorities, rather than eliminating them. "After the Paris Peace Conference between one-fifth and one-fourth of the population of Eastern Europe were still national minorities. Every East European state had a sizable national minority population."[7]

To protect these people, the Allies included provisions on minority rights in the peace treaties imposed on the defeated powers, i.e., Austria, Hungary, Bulgaria and Turkey. Germany and Italy were exempted, which greatly embittered the others. The treaties concluded separately with the Allies by Poland, Czechoslovakia, Romania, Yugoslavia and Greece had similar provisions. Finally, the Charter of the newly established League of Nations assured the rights of national minorities.

The treaties, broadly speaking, guaranteed to minorities religious freedom, equal civil and political rights, the use of their native languages, the right to establish their own social institutions, and an "equitable share" of funds for education, religious and charitable activities. In return, loyalty was expected of national minorities towards the states where they lived. And the treaties did not grant them any representative national organizations, leaving members of individual national minorities to face the state on their own.[8]

Enforcement of the treaties was left to the League of Nations. States could raise cases with each other, and any one could petition about alleged violations of national minority rights. League representatives would send complaints they found credible to the state in question. In practice, most cases were settled "out of court," through the exertion of behind-the-scenes pressure rather than in the full glare of international publicity.

But these efforts, however well-intentioned, failed: the interwar period was characterized by national tensions between and within East-Central European states. Their revanchism, compounded by their resentment of the treaties for limiting their sovereignty, was heightened by their striving to reflect the interests of their dominant nationalities. "Extreme nationalism became a religion; it dominated the political life of almost every East European state."[9] National minorities, for their part, complained that the various treaties addressed only some of their concerns, and ineffectively at that.

The Soviet Experiment

While national conflicts had the interwar East-Central European governments at each other's throats and embroiled in bitter conflicts with their own minorities, a different approach was underway in the newly constituted USSR. Karl Marx and Frederich Engels had declared in the *Communist Manifesto* that "The workers have no country," arguing that national differences, a feature of the capitalist era, were disappearing and that class values were crucial. But V.I. Lenin, unlike many other Social Democrats in the Russian Empire, by 1917 came to understand the power of nationalism, which he viewed in largely instrumental terms as a weapon against existing regimes. He insisted, often against the opposition of Bolshevik colleagues, on the right of peoples to "self-determination."

In practice, the Leninist understanding of self-determination resulted in the creation of republics (and smaller territorial units) on the basis of nationality. Rebellions of non-Russian peoples and the breakup of the Romanov Empire, most of which the Bolsheviks eventually reconstituted by force, induced Lenin to this concession. At the same time, he saw these new "Soviet, Socialist" republics both as a convenient vehicle for the inculcation of "Socialist, internationalist" values among the peoples of the USSR in their own languages, and as a protoptype for what he hoped would become a worldwide Union of "Soviet, Socialist" republics. Ultimate control, however, remained in the hands of the tightly organized Communist Party, which derived what legitimacy it had not from nationalism, but from "internationalism," from what it proclaimed as its exclusively "correct" understanding of the dynamics and purpose of history, and from its heroic revolutionary struggle, personified by the ever-more mythologized figure of Lenin.

Soviet efforts to rule a multi-national country according to precepts of "proletarian internationalism" led to a highly centralized, unitary state dominated by Russians, even though the Russian people and culture also suffered greatly under communist rule. Disguised as a "voluntary" federation of republics, the USSR offered the trappings of sovereignty, territory and the putative right to secession, while trumpeting to the world and its own peoples the success of the Marxist-Leninist "solution" of the national problem. The imposition of communist rule on East-Central Europe after World War II stifled for about 40 years the open expression of national tensions among "fraternal Socialist peoples," purportedly preoccupied with building communism under Moscow's benevolent guidance. Since 1985, however, even the Soviet leadership has publicly had to recognize the injustice and inadequacy of past policies by the communist regime, and the persistence of national consciousness and strivings despite decades of suppression.

The Outlook

It is against this historical background that the Conference on Security and Cooperation in Europe today approaches national minority problems and attempts to regulate through freely accepted commitments by participating states the treatment of national minorities. The following chapter will examine the more difficult and contentious legal and definitional issues in this enterprise.

These are extremely complex and sometimes abstruse matters, but they have to be addressed. For whatever scholars may claim about historical differences between nationalism in Western and Eastern Europe, any newspaper reader today can learn of clashes not only between Serbs and Croats, but between Moslem immigrants and indigenous residents in France and Belgium, as well as the discontent of racial minorities in the United States. Macartney, in his classic 1934 study, NATIONAL STATES AND NATIONAL MINORITIES, concluded sadly that if the national basis of the state is retained, minorities would ultimately have to be removed through border revisions, emigration--or bloodier scenarios.

Perhaps the time is right, as the CSCE embarks on its efforts on behalf of national minorities, for a different philosophical approach to the question of national minority rights. Perhaps nationality should be celebrated instead of regulated. The vast social experiments of the 20th century and their attendant horrors have demonstrated the futility and dangers of ignoring or denying the continuing strength of national consciousness among peoples. Experience has shown that attempts to stifle it only inflame passions and harden the will to resist.

Some of the earlier proponents and observers of nationalism might have said "I could have told you so." J.G. Herder, whom some historians consider the father of nationalism, wrote in his ESSAY ON THE ORIGIN OF LANGUAGE (1769) that "threatened tribes will preserve all the more tenaciously their traditions and language."

But there is a better reason to value diversity. Lord Acton remarked in 1862 that the presence of different nations under the same sovereignty leads to "balancing interests," and he called it a "necessary condition of civilization, for different peoples thus regenerate each other."[10] Herder, who valued each national culture for its own sake, and whose infinitely tolerant concept of nationalism reflects the fundamental belief that variety is preferable to uniformity, would have agreed: "Let the nations learn freely from each other," he wrote. "Let one continue where the other has left off."

Endnotes

1. Radio Liberty/Radio Free Europe Daily Report (henceforth RFE/RL DR), May 23, 1991.

2. *See* Hans Kohn, THE IDEA OF NATIONALISM, 1944; Elie Kedourie, NATIONALISM, 1961; Anthony Smith, THEORIES OF NATIONALISM, 1971.

3. Hans Kohn, *Nationalism*, ENCYCLOPEDIA OF THE SOCIAL SCIENCES, 1968. C. A. Macartney, in his 1934 study NATIONAL STATES AND NATIONAL MINORITIES, describes the East European variety of nationalism as "personal," as opposed to political nationalism. Hannah Arendt, in THE ORIGINS OF TOTALITARIANISM, 1951, makes a similar argument.

4. Hurst Hannum, AUTONOMY, SOVEREIGNTY, AND SELF-DETERMINATION: THE ACCOMMODATION OF CONFLICTING RIGHTS, 1990, p. 56.

5. Robert King, MINORITIES UNDER COMMUNISM: NATIONALITIES AS A SOURCE OF TENSION AMONG BALKAN COMMUNIST STATES, 1973, pp. 18-19, and Richard Pipes, THE FORMATION OF THE SOVIET UNION, 1954, Chapter 1.

6. *See* Macartney, Chapter 5, for historical precedents before 1919 of regulation by international treaties the status and rights of minorities in Europe. For instance, agreement reached among the participating powers at the 1878 Congress of Berlin made recognition of Serbia and Romania contingent on their protection of their national minorities.

7. King, pp. 11-12.

8. Oscar Janowsky, NATIONALITIES AND NATIONAL MINORITIES, 1945, Chapter 7, and Macartney, Chapter 8.

9. King, p. 14.

10. Lord Acton, *Nationality*, in ESSAYS ON FREEDOM AND POWER, 1862.

The Current Debate

Even a cursory review of the history of minority questions in Europe will quickly reveal the important--even decisive--role this problem has played for many centuries, from the Treaty of Westphalia in 1648 to World War II. Moreover, recent events in the Soviet Union and Yugoslavia provide ample illustration that the difficulties inherent in minority-majority relations are not merely a thing of the past. These countries are not alone in struggling with the complexities and contradictions that characterize this issue; continued conflict in Northern Ireland as well as renewed friction over the status of Quebec in Canada confirm that even long-standing, relatively stable democracies can be troubled by minority disputes and all that they imply. In fact, with the possible exception of the smallest countries, almost every CSCE participating State has contending ethnic, religious, and linguistic groups. And while some nations have had relatively greater success in managing diverse populations, no country has yet found a "model" approach that can be universally applied to all.

Still, as important and far-reaching as this issue may be, one might wonder why it rises--as it clearly does--to the level of international concern. Several reasons can be suggested. First and foremost, states are keenly aware that the unchecked violation of minority rights may lead to violence; that minorities, with no viable means to address peacefully their concerns may take up arms as a course of last resort. Under such circumstances, minority conflicts have the potential to threaten regional and international peace. While the "mere" violation of minority rights alone will rarely if ever lead the international community to intervene in a country's internal affairs, such violations may lead to intervention[1] when they threaten to or actually do devolve into armed struggle and spill over borders.[2]

Second, violations of minority rights, even when contained within a single country, may rise to a level that is so egregious and so reprehensible that international inaction may suggest complicity and, consequently, can undermine the very foundation of humanity and civilization. Conceivably, both these factors are related to the international response to the plight of Iraqi Kurds and Shiites during the waning days of the 1991 Gulf War.

There is perhaps a third and equally compelling reason that this issue has taken on a sense of urgency in the CSCE process. As some non-governmental groups in Eastern Europe have suggested, minority rights and democracy are likely to stand or fall together. While relatively stable Western countries may survive their minority problems more or less intact, emerging democracies may not. Unsettled political climates, the lack of firmly established systems for the rule of law, and possible periods of prolonged economic hardship may combine with ethnic, religious or linguistic intolerance to form an especially combustible concoction. It is in this context that the CSCE has given a heightened priority to the question of minority rights, illustrated by the agreement to convene CSCE's first meeting devoted exclusively to the problems of minorities.[3]

The CSCE, like other international systems, often requires a careful balancing of competing interests. Perhaps nowhere is that more true than with respect to minority rights. This chapter describes some of the main questions shaping the minority rights debate in the CSCE and international human rights community.

Problems of Definition

What is a minority? The Helsinki process broaches this subject as gingerly as anywhere and, in fact, there is no explicit definition of "minority" in any CSCE document.

Principle VII of the 1975 Helsinki Final Act states that "the participating States on whose territory *national minorities* exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere." (Emphasis added.) In Basket III of the Helsinki Final Act, the participating States recognize the contributions of "national minorities *or regional cultures*" in the fields of culture and education.[4] (Emphasis added.) Although these rights are underscored in the 1983 Madrid Concluding Document[5] and further elaborated in the 1989 Vienna Concluding Document[6] and the 1990 Copenhagen Document,[7] none of these texts clarifies or explains the concept of "minority." Nevertheless, the CSCE documents establish that "national minority" rights require the protection of "ethnic, cultural, linguistic and religious" identities.[8]

In the U.N. context, this issue has been examined by one group or another for more than 20 years. There, the debate over who is a minority has proven to be at least as contentious as the debate over what minority rights are. And in that forum, as in the CSCE, disagreement is often evidenced by what is omitted from documents, rather than what is included. Neither the U.N. Charter nor the Universal Declaration on Human Rights contains any mention of minority rights; article 27 of the 1966 Covenant on Civil and Political Rights recognizes the rights of "ethnic, religious or linguistic minorities," but skirts the issue of definition.

In a report for the U.N. Sub-Commission on the Prevention of Discrimination and Protection of Minorities, Francesco Capotorti, Rapporteur, described a minority as a "group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members--being nationals of the State--possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language."[9] Several aspects of this definition are significant. First, the restriction of minority status to "nationals of the State" would exclude, in most circumstances, migrant workers, stateless persons, and refugees. The inclusion of such an exception undoubtedly reaffirms the right of every state to reserve certain rights and duties to its own citizens that are not extended to non-citizens. Defining minorities as possessing shared "ethnic, religious, or linguistic characteristics" also distinguishes them from members of other groups who may be identified by common features such as their occupation, social status, handicap, political interest or belief, or sexual persuasion.

The stipulation that, at least to warrant protection under an international agreement, a minority must be "in a non-dominant position" implicitly reflects the notion that in a majority-rule democracy, a majority population will be in control. Some people might even question whether it would be possible in a democracy for a minority group to gain a dominant position. This would certainly be the case if, in a democracy, everyone votes and acts strictly according to racial and ethnic lines--by no means a foregone conclusion. In any case, a minority group in a dominant position suggests a context in which the minority group does not need special international protection because it controls the political machinery which governs it.

The specification that a minority must be a "numerically inferior" group gets at the same point in a different way. At first, this may even appear to be a tautology,[10] but in fact, it makes a point that is not universally accepted. For example, the definition used by the London-based non-governmental Minority Rights Group emphasizes the relative political power of a group and disregards altogether the question of numerical strength. According to this view, a minority is "[a]ny racial, tribal, linguistic, religious, caste or nationality group[11] within a national state[12] and which is not in control of the political machinery of that state."[13] This definition is broad enough to include blacks in South Africa, and could conceivably encompass women as a world-wide "minority" as well.[14] Unfortunately, this approach is relatively subjective and may not lend itself to constructive application in an already politically and emotionally charged debate. Arguably, it would exclude Russians in Estonia, whose experience is examined elsewhere in this report.

In contrast to the U.N. definitions, the CSCE nomenclature speaks not merely of "minorities," but of "national minorities." Concern has been raised that the CSCE addition of "national" is unnecessarily restrictive and stands in contrast to the broader formulation used in other fora, including the United Nations.[15] Although the language on "national minorities" in the Helsinki Final Act was originally proposed by Yugoslavia[16]--a country that has continued to show a special interest in this area at subsequent CSCE meetings--it is not at all clear what this term was actually intended to mean. Possibly, this formulation was conceived to take into account the situation as it exists in that country--as well as, arguably, in the Soviet Union, Switzerland, Czechoslovakia, and Belgium--where several ethnic groups live within a single state organized into political units along more or less ethnic lines and where, in some cases, no single group constitutes an outright majority of the population.

Thus, it could be argued that the CSCE formulation does indeed represent a more restrictive approach than that taken in other fora. If this is the case, the CSCE merely recognizes that national minorities may be distinguished from majority populations by several features, including (but perhaps not restricted to) ethnicity, religion, and language; ethnic, religious, or linguistic minorities per se would not be included within the term "national minorities." To address the concerns of groups which are distinguishable by, for example, their religions but are otherwise alike--such as Protestants and Catholics in Northern Ireland and the Netherlands--one would look to the numerous specific provisions on the right to religious freedom.[17]

A more persuasive interpretation would read the CSCE formulation as consistent with that reflected by article 27 of the International Covenant on Civil and Political Rights and the U.N. report. The Vienna Concluding Document and the Copenhagen Document focus on rights relating to the protection and promotion of minorities' "ethnic, cultural, linguistic and religious identity" as well as the rights of "regional cultures." This tracks the emphasis of both article 27 and the Capotorti report which, while not confined to "national" minorities, both speak of "ethnic, religious or linguistic" characteristics. Perhaps even more significantly, the discussions of minority rights by the participating States at previous CSCE meetings suggests that this is the prevailing interpretation.

Most recently, at the latest meeting of the U.N. Working Group on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities, the group declined to adopt any definition of the term "minority,"[18] but added the term "national" to the scope of the draft treaty. Thus, draft article 1 states, "Persons belonging to *national or ethnic*, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) may exercise their rights including those set forth in this Declaration. . . ."[19] (Emphasis added.) It was explained that the term "ethnic" probably encompasses the term "national" and that "in order to avoid confusion in different jurisdictions," a formulation including both would be helpful to the work of the group.[20] These efforts have further resolved apparent differences between the CSCE and U.N. language and interpretation.

The CSCE approach is also consistent with that taken in other international fora in its treatment of minorities as distinct from many other groups which, at first blush, might appear to be minorities. For example, while the rights of migrant workers--a numerically inferior group, often distinguishable by ethnicity--are acknowledged in the CSCE, they are treated separately from those of national minorities.[21] This parallels the U.N. context, where the rights of migrant workers are addressed in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), the ILO Convention Concerning Migrant Workers (1949) and the ILO Convention Concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (1975)--but not in the draft treaty on the rights of minorities.[22] These rights are also taken up in their own treaty in the Council of Europe's Convention on the Legal Status of Migrant Workers (1977). Similar distinctions have been made with respect to the rights of indigenous peoples,[23] believers,[24] and gender-defined groups[25] whose rights are also recognized but are addressed separately from the rights of minorities.

Article 27 of the International Covenant on Civil and Political Rights refers to ". . .those States in which ethnic, religious or linguistic minorities exist. . .," reflecting a compromise that can likewise be found in its CSCE version: "States . . .on whose territory national minorities exist." These formulas were used to accommodate the views of countries like Bulgaria, which, at least during the negotiation of earlier CSCE texts, maintained that they had no such minorities "on their territory" and, hence, these provisions would create no obligations for them. As recently as the March 1991 meeting of the U.N. Working Group on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities, France adhered to a similar view, stating "France does not recognize on its territory the existence of groups whose particular features are based on racial, linguistic and religious criteria. France's ideas are based on a universal principle: 'All persons are born free and equal in dignity and in law.'"[26]

In any case, the 1990 Copenhagen Document has dropped the escape clause, "on whose territory national minorities exist." Furthermore, the Copenhagen Document provides that "[t]o belong to a national minority is a matter of a person's individual choice."[27] Consequently, while the participating States consider the minority question within the parameters of ethnic, cultural, linguistic and religious identities, they must also respect the individual's right of self-identification. This is especially important in view of the critical role that instruments of self-identification (e.g., national censuses) can play in the process of protecting and promoting minority rights in such areas as providing for education, creating districts for voting purposes, and funding local communities.

Although this suggests that some groups might find it advantageous to identify themselves as minorities, and this may indeed be the case, it is also true that many eschew that appellation in favor of some other term, such as "people." Like "minorities," there is no internationally agreed definition of a "people." It is agreed, however, in the Charter of the United Nations[28] and in Principle VIII of the Helsinki Final Act that peoples do have the right to self-determination. Consequently, if the sought after right is the right to use one's mother tongue, it may suffice to consider oneself a minority. But if one is seeking self-determination, it may be preferable to style oneself a people.

Not surprisingly, there is no internationally agreed definition of "self-determination." Perhaps the most contentious question about self-determination is whether or not it embraces the right to independence, including the right to secede. It has been hypothesized that self-determination, particularly in the United Nations in the era of decolonization, has come to mean almost exclusively decolonization[29] and hence has little residual relevance in the European context where it was once championed.[30] Nevertheless, it seems that an invisible if palpable continuum exists, along which minorities can become peoples who in turn may seek independence. Although no one suggests that minorities have the right to independence, the potential for a group's demands to escalate in relation to its self-definition may help to explain why most governments tread so carefully in this area.

It may also be that the majority populations of European nations carry some folk memory of their own aspirations when, at some near or distant time, they were a mere minority in someone else's empire.

Individual vs. Collective Rights

In some respects, the definitional aspects of minority rights are not the most troubling that arise in this area. After all, the CSCE has largely been able to leap-frog the issue and get on to the business of enumerating substantive rights. But at that point, the enumeration point, a new Pandora's box is opened. Here, countries must decide whether or not minority rights belong exclusively to individual members of a particular group, or whether the group, as a collective whole, is entitled to the rights in question (in addition to the individual members). One of the advantages of focusing on the rights of individuals is, of course, that the thorny problem of defining "minority" can be avoided altogether.

Article 27 of the International Covenant on Civil and Political Rights reflects the view that has probably gained the greatest acceptance to date, i.e., that it is the *individual members* of a minority group who are entitled to minority rights and not the group *per se*: "In those States in which ethnic, religious or linguistic minorities exist, *persons belonging to such minorities* shall not be denied the right, in community with other members of the group, to enjoy their own culture, to profess and practice their own religion, or to use their own language." (Emphasis added.) While there are certainly some CSCE states that accept the notion that minorities have collective rights, the only view that can be said to have the consensus of all the CSCE states is that individual members of minority groups have rights.

Human rights provisions in the CSCE and international legal context already elaborate a fairly extensive set of rights for individuals. That these rights apply specifically to the individual members of minority groups is made clear by the repeated use of non-discrimination clauses in CSCE documents and human rights treaties.[31] Principle VII of the Helsinki Final Act provides, for example, that "[t]he participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, *for all without distinction as to race, sex, language or religion.*" (Emphasis added.) Article 2 of the Universal Declaration on Human Rights, which is incorporated by reference into the Helsinki Final Act,[32] provides that "[e]veryone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status." The Copenhagen Document, in the section dealing with rule of law and free elections (as distinct from the section dealing specifically with minority rights), provides that the participating States "solemnly declare that among those elements of justice which are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings are the following:-- all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law will prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any grounds."[33] A second non-discrimination clause provides that human rights derogations due to states of emergency "will not discriminate solely on the grounds of race, colour, sex, language, religion, social origin or of belonging to a minority."

In light of this, one might wonder what additional rights need to be granted to minorities--even the individual members of minority groups--that they do not already have under basic human rights provisions (free speech, freedom of association, etc.) read together with non-discrimination clauses. Put another way, are special provisions purporting to guarantee the rights of minorities just another way of emphasizing that individual rights really do apply to everyone? Although the CSCE continues to describe minority rights in terms of "persons belonging to national minorities," the Copenhagen Document includes several sections which establish the right of individual members of a minority to engage in various collective activities.[34] This suggests that there is an additional dimension to a minority group's rights that does not arise in the context of its individual members' rights. That is, although the CSCE has not gone so far as to recognize the existence of collective rights as such, it may acknowledge the existence of specific concerns of minorities that are not adequately resolved through the traditional protection of individual rights.[35]

It is perhaps because of the inherent problems in seeking their implementation that countries are so reluctant to recognize collective rights. When individuals assert that their human rights have been violated, it is clear they have the authority to speak on their own behalf. The same cannot be said for minority groups. If someone steps forward to speak on behalf of a minority group, any inquiry into the allegation requires a determination of whether or not that person is indeed entitled to speak for the minority. And in both Europe and North America, minority groups often have more than one spokesperson. Thus, there would seem to be an inherent contradiction in, on the one hand, obligating states to respect an individual's right to self-identification[36] and a group's right to autonomy[37] and, on the other hand, obligating states to make determinations as to who is included in a minority group and who may speak for a minority group for the purposes of adjudicating an alleged violation of a minority group's rights. A Proposal for a Convention for the Protection of Minorities, adopted by the European Commission for Democracy through Law,[38] would provide for the right of groups as well as of individuals to petition a committee established for the purposes of adjudicating the rights set forth in the proposed convention. Such a committee would have to make precisely this sort of determination.

Assimilation vs. Protection

Representatives of minority groups frequently complain of the intentional or incidental assimilation of their group. Perhaps one of the more extreme expressions of concern in this regard can be found in the draft European Convention described above, which flatly declares that, "States shall refrain from pursuing or encouraging policies aimed at the assimilation of minorities. . . ." One might assume that such language might bar, for example, the forced assimilation of a minority through the state-sponsored resettlement of the minority population in a way that dissipates their culture and heritage or, possibly, through the dissolution of minority-language schooling.

A view from the other end of the spectrum may be found in the seminal case of *Brown v. Board of Education.*[39] There, the U.S. Supreme Court addressed the question, "Does the segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities?"[40] In answering, "Separate educational facilities are inherently unequal,"[41] the Supreme Court firmly rejected state-sponsored "measures designed to divide the population along racial lines"[42] in an opinion that ultimately came to apply not only to education, but to government action in general. Indeed, in its most extreme form, separation along racial lines constitutes apartheid, a crime under international law.[43] Not surprisingly, assimilation in the United States has often been perceived as desirable not only by government actors, but also by minority groups themselves.

Is there any middle ground between the approach of the draft European Convention and the *Brown* decision? Perhaps it can be found by looking for what is absent from both: neither the draft European Convention nor the *Brown* case[44] explicitly addresses the question of a minority group's own objectives. Yet as is illustrated by the Capotorti definition, "minority" definitions often take into consideration the manifest volition of a minority group to identify itself as distinct from the majority and to preserve its culture, religion, language, and heritage. Indeed, the ability of a minority to preserve itself in a manner of its own choice may constitute the essential element of minority rights.

In trying to balance competing interests in assimilation on the one hand, and ethnic, religious, cultural, and linguistic preservation on the other, it may be helpful to use a group's own objectives to determine what the appropriate state response should be. There are, however, at least two problems with this. The first problem arises with respect to differences within any single minority group. The second stems from difference between different minorities.

If a state formulates its minority policies based on the aspirations of a minority group, it may require the group to present a united front in order to communicate effectively what those aspirations are. As suggested above, this is something that may not always exist. In the event that a state is confronted with a minority group that is divided in its goals, the state has little to guide it. A standard or norm which requires a cumbersome case-by-case analysis for application is usually not a very helpful standard. Likewise, a state confronted with several minority groups seeking conflicting, unreconcilable goals may have difficulty enunciating anything more than an expression of good will without running afoul of the expressed objectives of one group or another. For example, a single state might be confronted with different minority groups seeking, at the same time, a blanket prohibition on assimilation at one extreme (although not necessarily on forced assimilation), and an explicit mandate for autonomous government facilities and services for minorities at the other. Thus, there appears to be an inherent tension between efforts directed at formulating the kind of clear and unequivocal standards sought by many minorities and those that strive to respond in a flexible manner to the various needs and objectives of disparate minority groups.

Future Questions

As stated at the outset of this chapter, minority rights have taken on a heightened importance in the Helsinki process. The extensive discussions on this issue that can be expected at future CSCE meetings will undoubtedly contribute to the process of furthering a common understanding of substantive rights. Perhaps even more importantly, these meetings may help develop a consensus on the key questions which have shaped the debate over minority rights thus far and over which many efforts in this area have foundered. They include:

--What is a minority?
--Are minority rights exclusively individual rights, or do they also include collective rights?
--How should states strike the balance between competing interests in assimilation and preservation?

There is also a broad range of other, related questions falling beyond the scope of this brief overview but that are nonetheless certain to arise: What is the relationship--if one exists--between minority rights and self-determination? Do minority rights create positive duties for states, or only a negative duty to refrain from certain actions? How does affirmative action--efforts designed to redress past wrongs against a minority--fit into this picture? When these questions are answered, the remaining inquiry into the subject of substantive rights may prove far less formidable.

Beyond the formal framework of CSCE meetings, minority issues may also be explored in the context of the so-called "human dimension mechanism."[45] This procedure, created in the Vienna Concluding Document, permits participating States to raise cases and situations with other and has already been used to address minority issues.[46] The practices relating to the mechanism may further illuminate this field. Work undertaken in other quarters--for example, the on-going efforts of the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities as well as work within the Council of Europe--may also make welcome contributions to this debate.

Endnotes

1. It may be useful to distinguish between "international intervention"--for example, the use of U.N. forces in the Occupied Territories--and the "humanitarian intervention" of the pre-Word War I era. The latter was largely motivated by a desire of one state to look out for its own kind, wherever they might be, rather than a desire on the part of many states to put an end to some intolerable abuse of human beings, regardless of their ethnic, religious, or linguistic background. In the post-Word War II climate, the idea that *one* country alone may intervene in another to protect its own kind has become somewhat suspect, given the proven ability of countries to cloak political objectives in this humanitarian garb. Indeed, it was allegedly to protect ethnic Germans that Hitler extended his reach into Austria, Czechoslovakia and, ultimately, Poland.

2. The case of Cyprus illustrates this point. *See also* article 39, Charter of the United Nations.

3. A CSCE inter-sessional meeting of experts on national minorities will be held in Geneva from 1 - 19 July 1991. Previously held main review meetings have addressed this subject, as have inter-sessional meetings on human rights and humanitarian affairs, collectively dubbed in CSCE parlance the "human dimension."

4. Madrid Concluding Document, Section 3, Co-operation and Exchanges in the Field of Culture and Section 4, Co-operation and Exchanges in the Field of Education.

5. Madrid Concluding Document, Principles section.

6. Vienna Concluding Document, Principles section, paras. 18 and 19 and Basket III, paras. 31, 45, 59, and 68.

7. Copenhagen Document, Paras. 30 - 40.7.

8. Vienna Concluding Document, Para. 19; Copenhagen Document paras. 32.1 - 32.3 and 33.

9. Quoted in "Contemporary Developments in the International Protection of the Rights of Minorities," unpublished paper by Prof. Hurst Hannum (1991).

10. For example, the 1982 American Heritage Dictionary defines a minority as "1. The smaller in number of two groups forming a whole. 2.a. A racial, religious, political, national, or other group regarded as different form the larger group of which it is a part. b. A member of a minority group."

11. It is interesting that "ethnicity" or "ethnic group" is not ennumerated here. Presumably, but not conclusively, ethnicity is encompassed within the concepts of "racial" and "nationality" groups.

12. Query whether a "national state" is the same as a "state".

13. Palley, CONSTITUTIONAL LAW AND MINORITIES 3 (1987) (publication of the Minority Rights Group).

14. But note that a proposal to reference the Convention on the Elimination of All Forms of Discrimination against Women in a draft declaration on the rights of minorities was not accepted. U.N. Doc. E/CN.4/1991/53 (1991), at para. 22.

15. *Copenhagen CSCE Meeting on the Human Dimension: Hearing before the Commission on Security and Cooperation in Europe*, 101st Cong., 2d Sess. 23 (1990) (Testimony of Prof. Hurst Hannum).

16. Ghebali, LA DIPLOMATIE DE LA DÉTENTE: LA CSCE, 1973-1989 88 (1989).

17. The Helsinki Final Act, Principle VII and Basket III; Madrid Concluding Document, Principles and Basket III; the Vienna Concluding Document, Principles, paras. 16 - 17 and Basket III, para. 32; the Copenhagen Document, para. 9.4.

18. *Supra* note 14, at para. 8.

19. *Supra* note 14, at Annex I.

20. *Supra* note 14, at para. 10.

21. Although the Madrid Concluding Document places these rights in the context of Basket II, the Basket II section of the Vienna Concluding Document notes that "issues of migrant workers have their human dimension" (para. 44). Indeed, the Copenhagen Document section on national minorities notes "the important role of . . . trade unions . . . in the promotion of tolerance, cultural diversity and the resolution of questions relating to national minorities" (para. 30).

22. *Supra* note 14, Annex I and II.

23. Under the auspices of the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities, a Working Group on Indigenous Populations was established in 1982. Among other things, this group is preparing a draft "Declaration on the Indigenous Rights". *See* Hannum, AUTONOMY, SOVEREIGNTY, AND SELF-DETERMINATION 84 (1990). This effort is distinct from the on-going attempt by Sub-Commission to draft a declaration on the rights of minorities. *Id.* at 60 - 61.

24. *Supra* note 17. *See also* the UN Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981).

25. *See* the Madrid Concluding Document, Principles, p. 36; the Vienna Concluding Document, para. 15. *See also* the UN Convention on the Political Rights of Women (1952) and the UN Convention on the Elimination of All Forms of Discrimination against Women (1981).

26. *Supra* note 14, at para. 30.

27. Copenhagen Document, para. 32.

28. United Nations Charter, articles 1 (2) and 55.

29. Hannum, *supra*, note 23, at 36, 45-46, 49.

30. Note that Sergei Odarich, the Secretary-General of the *Rukh* political movement, spoke more than rhetorically when he said, "Chernobyl helped us [Ukrainians] to understand that we were a colony." THE ECONOMIST, 27 April 1991, at 20.

31. The non-discrimination clauses of the main human rights treaties are set forth, discussed and compared in Sieghart, THE INTERNATIONAL LAW OF HUMAN RIGHTS, 72 - 84 (1983).

32. Helsinki Final Act, Principle VII.

33. Copenhagen Document, paras. 5, 5.9.

34. *See* the Copenhagen Document, para. 32.1 - 32.6 and 34, 35 (on rights to use "mother tongue," to religious and other association, to unimpeded contacts including across frontiers, to effective participation in public affairs, to local or autonomous administrations).

35. The idea that minorities have special rights also creates conceptual problems in that it runs counter to the traditional view of human rights as *universal*. *See* Sieghart, *supra* note 31, at 17. Out of this conflict springs the debate over affirmative action, one that is illustrated by the current struggle over draft civil rights legislation in the United States.

36. *See supra* note 27.

37. Copenhagen Document, para. 35.

38. Council of Eur., CDL (91) 7 (adopted during the 6th meeting, on 8 February 1991). This document reflects the views of various experts, acting in their individual capacity, rather than of government representatives.

39. Brown v. Board of Education, 347 U.S. 483 (1954).

40. *Id.* at 493.

41. *Id.* at 495.

42. This description comes from article 2 of the International Convention on the Suppression and Punishment of Apartheid.

43. *See, for example,* the UN Convention of the Suppression and Punishment of the Crime of Apartheid (1973).

44. In *Brown*, the Court did not address the question of the minority group's objectives; presumably, the individual plaintiffs spoke for the community as a whole.

45. *See* the Vienna Concluding Document, Human Dimension of the CSCE and the Copenhagen Document, paras. 41 - 43.

46. For example, at the 1989 Paris Meeting of the Conference on the Human Dimension, many countries voiced concern over the Romanian "systematization" program and the disproportionate (and negative) impact it would have on ethnic Hungarian and German communities. Protests were also lodged against the on-going expulsion of ethnic Turks from Bulgaria. Both practices have since been discontinued.

Established Approaches

As part of its mandate to monitor issues relating to the implementation of the 1975 Helsinki Accords, the Commission on Security and Cooperation in Europe has been, for more than 15 years, actively engaged in reporting on developments in Eastern Europe and the Soviet Union--in short, in the CSCE countries where violations of individual civil and political rights have been the most systemic and where those rights seemed most at risk. To this end, the Commission has produced a series of comprehensive "implementation reports" that examine the actual practices of these countries with respect to the Helsinki obligations they have undertaken. In addition to these extensive reports, prepared at the opening of each full-scale CSCE follow-up meeting held to date, the Commission has periodically issued shorter reports, focused on a specific country or issue. These reports are complemented by the semi-annual (now annual) implementation reports submitted to the Commission by the President, in accordance with law.

In contrast to this almost continuous monitoring of events in the East, Western countries have rarely been the subject of formal Commission evaluation or assessment. This is not to suggest that these countries are wholly free from human rights violations. Rather, it reflects the view that by and large, democracies provide more effective channels of communication and more effective domestic remedies for violations of human rights. Under such circumstances, recourse to an international process such as the CSCE is less frequently necessary.

The exception to the Commission's general approach has been the United States itself. Convinced that the Helsinki process requires a mutual dialogue in which no single country purports to exempt itself from public scrutiny or hold itself above the commitments it has freely undertaken, the Commission has encouraged other countries to raise with the United States concerns regarding U.S. compliance with its Helsinki obligations. Furthermore, the Commission's mandate to monitor implementation of the Helsinki Accords extends to all the CSCE participating States. When concerns involving the United States have been raised, the Commission has tried to contribute to a frank and open exchange of views. Most recently, the Commission issued a report on the profoundly disturbing problem of homelessness in the United States.[1]

But in the wake of the changes which have taken place in Europe since the end of the Vienna Follow-up Meeting in January 1989, the traditional focus on individual civil and political rights has begun to shift to minority rights, widely perceived as one of the most critical issues facing the region's countries, particularly those in transition. From the Oder-Neisse to beyond the Urals, from the Baltics to the Balkans, minority-majority disputes long suppressed under a Pax Sovietica now have the potential to threaten Europe's emerging democracies and peace in Europe itself. As former totalitarian regimes lose their power and cease to be the glue holding these Eastern countries together, centrifugal forces tug away in a natural reaction to decades of imposed, unwanted dominance from the center. The former systems of governing, even when equitable on paper, were clearly inequitable in practice. As a consequence, the old systems--not just the old rulers--lack the necessary credibility for governance today. Many minorities and regional ethnic groups simply do not believe that the current central authorities have turned over a new leaf and are now prepared to implement the social contracts and constitutions by which, in theory, the leaderships were bound all along. Instead, minority groups as well as localities are demanding altogether new rules.

As the Helsinki Commission now takes up that issue, the scope of our inquiry must broaden, for it can not be asserted that the rights of minorities are only at issue in the East. Indeed, as noted elsewhere in this report, virtually every CSCE country has one or more minorities within its borders. And the struggles related to minority issues have often been as compelling and passionate as any in the history of the West. Consequently, any discussion of minority issues in this report would not be complete without some consideration of them as they exist throughout all the CSCE participating States. To that end, this chapter surveys the question of minority rights in Western countries and the attendant range of governmental responses.

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> It is ". . . a sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression."
>
> *--Thomas Jefferson, First Inaugural Address to the Nation*[2]

* * * * *

In May 1991, two nights of rioting in the Mount Pleasant neighborhood of Washington, D.C., left 19 police cars burnt out, one city bus destroyed, and 31 local businesses looted or damaged.[3] The riots took many Washingtonians, particularly government officials drawn from the District's predominantly African American population, by surprise: there was little or no warning of the significant discontent within that community. In the largely Hispanic quarter of Mount Pleasant, many of the residents were undocumented aliens, mostly from El Salvador.[4]

In fact, resentment in the Mount Pleasant community had been building for some time. Changes had been taking place in that neighborhood which the residents seemed unable to influence or control. In an essentially "undocumented" community,[5] many of its residents were unable to vote and, hence, unable to participate effectively in the system that governed them. When rumor spread that an African American police officer had shot an already hand-cuffed Hispanic suspect, it was the spark that set fire to long smoldering frustrations. At first, these confrontations were about alleged police brutality against the Hispanic community. Over the course of two days, they became the vehicle for transmitting a laundry list of grievances against the District government.

The Mount Pleasant riots illustrate the important role that minority participation in government plays in protecting the rights and interests of minorities generally. While minority participation alone does not guarantee minority satisfaction, it is an important tool in identifying and addressing minority concerns and diffusing minority-majority tension. More important, it is key to legitimizing the government's exercise of power over its minority citizens. As the cases of Northern Ireland and the Basque region of Spain illustrate, while a majority may be able to stay in power even when a minority rejects the fundamental legitimacy of that rule, it is not without significant costs.[6]

During the past two decades, more than 2,500 people[7] have died as the result of political violence in Northern Ireland--largely at the hands of paramilitary organizations from both the Catholic and Protestant populations. The steady continuum of political violence which dates back almost as far as the history of the island is fueled by two competing national identities caught in the paradox of the double minority. Within their own enclave of Northern Ireland, Protestants outnumber Catholics by approximately two-to-one.[8] But within the larger context of Ireland as a whole, the Protestants are faced with an overwhelming Catholic majority. Each community within the enclave is genuinely fearful of losing its cultural and political identity.

Consequently, the Protestant fear of becoming a small and beleaguered minority within a united Ireland has fostered its siege mentality and greatly contributed to its desire to hold onto the reigns of power in Northern Ireland and maintain the current border with the Catholic Republic of Ireland. For their part, Catholics have rejected the concept of the state of Northern Ireland from its inception, refusing until fairly recently to participate in its institutions. This nonparticipation has contributed to the distrust with which the Catholic community is viewed by the majority and even to the failure to effectively protect and promote the rights of the Catholic community.

While the degree and persistence of violence in Northern Ireland certainly distinguishes that situation, many countries--like the United States during the Mount Pleasant events--experience periodic ethnic unrest. Recently, for example, North African immigrants in France, Italy, and Spain have also taken to the streets to focus their government's attention more sharply on their concerns.[9] But as a rule, minority disputes or problems in the West do not give way to violence; and when violence does occur, it does not rise to a level that threatens the very integrity and survival of the state. Flems and Walloons may have their differences, but those differences do not undermine the continued existence of the Belgian state. In the exceptional cases where such differences have led to protracted violence, as in Northern Ireland and the Basque region of Spain, the basic ability of the state to function has not been utterly and completely frustrated as it has been, for example, most recently in Yugoslavia. In fact, it is noteworthy that those countries continue to maintain the essential elements of democracy, including free elections. In Canada, where the dissolution of the state is actually talked about with some seriousness, the debate between Anglophones and Francophones continues in chilly but nevertheless civil tones.[10]

Among many Western countries--particularly the member-states of the European Community and more recently in the relations between the United States and its immediate neighbors--there has been an increasing sense of cohesiveness, a sense of linked destiny capable of transcending local or regional ethnic divisiveness. Whatever historic disputes Germany and France may have had over the people and territory of Alsace-Lorraine, their mutual interest in cooperation has mooted them. The same can not (yet) be said of Hungary and Romania regarding Transylvania, for example, or Greece and Turkey generally.

The historian William McNeill attributes this trend among Western countries to an ability of "the most urbanized peoples of the earth" to see the benefits of transnational cooperation.[11] In contrast, less "urbanized" populations--including those in Eastern Europe --are still in the process of consolidating their communities along relatively local, regional, or national (where "national" means ethnic) lines. In this way, McNeill reasons that much of the world's turmoil that is perceived as "ethnic friction" and "secessionist movements" is in fact the product of the politicization of peasant populations which is part and parcel of modernization in the twentieth century.[12]

While the particulars of McNeill's theory are open to debate, he correctly identifies a key pattern in minority-majority relations. That is, it is not always race or ethnicity or religion or language per se that distinguishes minority and majority populations. It is that, for some historical reasons, two (or more) groups have come to have different political or economic objectives. When these objectives differ, ethnic, religious, or linguistic characteristics may be seized upon as the actual source or cause of discord, when in fact they may be merely symptomatic of an underlying friction. In turn, this may exacerbate base prejudice. Alternatively, when the political and economic objectives of potentially "different" groups coincide, the distinguishing characteristics cease to be a source of friction. This has largely been the trend, for example, among the ethnically diverse groups in the United States--Euro-Americans--which collectively form the white "majority" population.

Among Western countries, several approaches to managing minority-majority relations have developed and can be identified. Although these may take a variety of shapes and forms, all of them are consistent with certain fundamental ideals regarding the nature of human rights in general and the relationship between citizens and their governments in particular. To begin with, Western countries consider minority rights first and foremost in terms of fundamental individual civil and political rights, in particular, within the framework of the related principles of inalienability and universal adherence.[13] Inalienability reflects the notion that some rights are, by their very nature, so fundamental that governments may not deny them. Indeed, some rights are considered so significant that governments may not limit them or derogate them under any circumstances--for example, the right to be free from torture. Such rights are not conferred by any ruler or government, but inhere in human beings by virtue of their mere humanity.[14] The complementary notion of universal adherence embraces the idea of non-discrimination, a norm more explicitly reflected in later (post-World War II) human rights instruments. That is, inalienable rights inhere in all people, without exception. All of the major post-World War II human rights instruments set forth bases upon which discrimination is prohibited.[15]

The second shared tenet which guides Western governments is their commitment to the rule of law as an essential element in a system of democracy. Accordingly, "rights must themselves be protected by law; and any disputes about them must not be resolved by the exercise of some arbitrary discretion, but must be consistently capable of being submitted for adjudication to a competent, impartial, and independent tribunal, applying procedures which will ensure full equality and fairness to all the parties, and determining the question in accordance with clear, specific, and pre-existing laws, known and openly proclaimed."[16] The emergence of these basic concepts--inalienability, universality, and the rule of law--can be seen in several pivotal and historic Western proclamations: the English Magna Carta (1215), the American Declaration of Independence (1787), and the French Déclaration des Droits de l'Homme et du Citoyen (1789).

Beyond these shared fundamentals, governmental responses to minority issues among Western countries form a pyramid, with approaches becoming more numerous and diverse at the lowest (local) levels. At the top, the relatively smaller number of international efforts are largely expressed in the form of multilateral treaties. For example, the European Convention on Human Rights and Fundamental Freedoms,[17] ratified by 23 European countries as of January 1, 1991,[18] provides for adjudication of alleged violations before a European Commission of Human Rights, with a limited right of appeal to a European Court of Human Rights. Although this treaty does not explicitly recognize minority rights, it does apply the principle of non-discrimination to all other rights and freedoms set forth in its text. This provision, in article 14, was the basis for the seminal Belgian Linguistic case.[19]

At issue in that case was the ability of French-speaking parents to secure French-language instruction for their children. Under Belgium's territorial-based educational system, this particular family resided in an area where instruction was provided only in Flemish. Although the Court maintained that the problems of ethnic minorities "fell outside of the scope of the Convention,"[20] it was nevertheless able to decide the case on the basis of article 14's non-discrimination language.[21] Clearly, the right to instruction in one's native language has well-established, almost prototypical implications for the rights of minorities. The Court's analysis is consistent with the Western framework described above.

The development of multinational systems can facilitate minority-majority relations in other, more subtle ways as well. For example, the development of Belgium's own federal system in the last several decades[22] has largely been paralleled by the evolution of a sort of "Euro-federalism."[23] In this case, delegation of power has moved in two directions, both up and down. While the establishment of the European Community was not intended to address such issues, it has unquestionably had an impact on them.

Nevertheless, the international route for the protection of minority rights is not necessarily compatible with all other approaches to the protection of minority rights. In both Switzerland and the United States, discussed further below, ultimate authority and power stems from the people themselves; the (con-)federal governments have only those powers delegated to them.[24] Thus, for example, Switzerland's participation in the Council of Europe system required the approval of the electorate; as recently as 1986, Swiss voters, in a national referendum, rejected joining the United Nations altogether.[25] In the United States, the horizontal division of power among the various branches of government, as well as the vertical distribution of power between the states and the center, both work to limit the degree to which the United States could--assuming there was the political will to do so--participate in various international systems.[26] Thus, domestic organizations which can act to protect minority rights by providing relatively greater local autonomy for them may, in some instances, conflict with an international approach.

Multilateral treaties are the heirs apparent to the first international attempts to address minority problems--bilateral treaties concluded at the end of the World War I, generally containing provisions for adjudication of disputes within the framework of the League of Nations.[27] Historically, these pacts were often directed not at ensuring some special or exceptional right for the minority vis à vis the majority, but at ensuring that the minority merely enjoyed the same rights as the general citizenry--equal protection of the law.[28] As discussed above, these rights have largely been absorbed in both domestic and international legal frameworks under the rubric of non-discrimination.

In addition to bilateral treaties, other less formal arrangements between countries may be reached. For example, although Austria and Italy had concluded, at the end of World War II, a bilateral treaty regarding the German-speaking minority in the South Tyrol region of Italy, the so-called Paris Agreement of 1946 did not prove decisive in resolving minority-majority disputes.[29] In fact, although the treaty provided for some administrative autonomy and linguistic and educational equality, it failed to address serious problems[30] in minority-majority relations and, as a consequence, the region endured significant unrest, violence, and ultimately terrorism during the 1950s and 1960s.[31] Finally, an ethnically mixed commission considered these issues for almost a decade, leading to the adoption by the Italian and Austrian parliaments of an agreement known as the "Package" --*il pacchetto*--in 1969. The package paved the way for a related Italian-Austrian treaty on friendship and cooperation, various Austrian and Italian measures to implement the Package, and a 1972 Italian autonomy statute for the South Tyrol region which greatly increased its autonomy and enhanced the role of the German-speaking minority.[32]

In the case of Denmark and Germany, each country has a small minority of the same ethnicity as the other state's majority as a result of the border that was drawn pursuant to a referenda held in 1920. Although for many years problems and frictions occurred, in 1955 the respective governments issued "declarations" providing for the protection of these minorities.[33] While these declarations have not removed all tensions, they have served as a constructive basis for a dialogue among the relevant parties, including both governments and both minorities.

The 1923 Treaty of Lausanne between Greece and Turkey addressed the protection of minority populations in each nation following the creation of new boundaries at the end of World War I. The two governments agreed to a compulsory exchange of populations, with the exceptions of Greeks living in Constantinople (Istanbul) and Turks and other Muslims living in Western Thrace. Under the Treaty, both governments obligated themselves to ensure that the minorities in question would have equal rights with the majority populations. The treaty also required that the specified minorities be afforded the right to establish religious, charitable, and social institutions as well as primary schools with bilingual instruction.

The terms of the Treaty refer specifically to "non-Muslim" minorities in Turkey and "Muslim" minorities in Greece. As a consequence, the government of Turkey does not extend rights under the Treaty of Lausanne to its ethnically distinct Kurdish population because they are Muslims. In Greece, ethnic Turks have been, until recently, identified only as "Greek Muslims," not as ethnically distinct Turks. Both populations have faced discrimination and have at times been denied basic rights.

There are some disadvantages to approaching minority issues in a strictly bilateral framework. Originally, the development of bilateral treaties marked a break-through in the development of international human rights law, in that they "internationalized" an issue formerly perceived as the exclusive concern of a sovereign country and by doing so improved the general situation of the minorities in question. Bilateral treaties on the rights of some particular minority were usually concluded between neighboring states when one state contained an ethnic, religious, or linguistic minority which constituted the majority in the other state. But after Hitler used the excuse of "protecting ethnic Germans" to invade Czechoslovakia and then Poland, the bilateral approach has become somewhat suspect.

In particular, a bilateral-treaty approach may suggest that the protection of the rights of some particular minority are only of concern to the neighboring state's corresponding majority population. In fact, the trend in human rights law, reflected by the International Covenants and the European Convention, has been to "internationalize" such concerns on a broader scale. Accordingly, the rights a minority group are of concern to the entire community of nations, not just countries with similar ethnic, religious, or linguistic populations. Indeed, internationalizing the minority issue may help to disassociate that potential source of friction from other bilateral grievances which may exist between the two countries.

The most common way Western countries have attempted to address their minority-majority dynamic is within the framework of their own domestic governmental structures. Often, this takes the form of some kind of power-sharing arrangement that assures that the voice of the minority in the process of governing will be heard. In the United States, for example, the very concept of bicameralism was a protective device to protect the minority (i.e., the less populous states) from the tyranny of the majority.[34] In contrast, attempts to establish a power-sharing arrangement in Northern Ireland, giving the Catholic minority a guaranteed place in government, have thus far failed. The Sunningdale Agreement of 1974 would have ended direct British rule and returned the government of Northern Ireland to both Catholics and Protestants on a power-sharing basis, rather than on terms of majority rule. But hard-line Protestant opposition brought the government down and direct rule was reimposed.[35]

While many countries afford local minorities some degree of political autonomy, as Italy does in South Tyrol and Spain does in the Basque region, many others use some form of federalism to achieve this result. In Europe, Switzerland may have the best known of such power-sharing systems.[36] Founded in 1291 among the three founding cantons of Uri, Schwyz, and Unterwalden,[37] the impetus for this league was the desire to establish a common defense. Over the centuries, this alliance grew to include a total of 23 cantons, consisting of four main language groups (70 percent German, 20 percent French, 10 percent Italian, and less than 1 percent Romansh) and two main religions (roughly equal numbers of Catholics and Protestants).[38] While an increasing amount of power has been delegated to the central authorities over the years, the Swiss system remains one of the most decentralized in Europe. For example, the constitution requires the cantons to provide education--an issue that seems to be perpetually associated with ethnic conflict--but leaves it to cantonal discretion to work out the application of that mandate. As a consequence, the various linguistic and religious groups, which divide up fairly neatly along cantonal lines, are largely able to exercise a sufficient degree of autonomy to avoid the friction that so often marks other multi-ethnic societies.

Of course, dividing power up into neat little categories is not enough to guarantee a workable federal system. An indispensable element for the functioning of any government is a credible and viable mechanism for settling disputes that may arise between its various components. In Switzerland, this task is formally delegated to a Federal Court, elected by the Federal Assembly.[39] Although the Federal Assembly is instructed to "bear in mind that the three official languages of the Confederation be represented" on the Federal Court,[40] there is no explicit breakdown of how that representation should be manifested. In practice, this power-sharing among the Swiss takes into account not only the different languages, but also the diverse religious and political groups as well. Moreover, this power-sharing extends to all the top positions in Swiss society.[41]

But perhaps it is not so much Switzerland's system of cantons which has led to its relatively successful management of minority-majority relations, but its unwritten social compact among its peoples. Accordingly, even when extensive power-sharing is not specifically mandated by the constitution or by law, it is required by political custom.[42] As a consequence, "a group's right of representation cannot be enforced in court. . . . If the Italian-speakers do not get a position to which they think they are entitled, they must take up the fight politically, not through the courts."[43] And as a practical matter, the political arena has largely proven successful at keeping the peace.

Yet as effective as the Swiss system is for those religious and linguistic minorities which divide up geographically more or less along the lines of the cantons, it has its shortcomings. For example, cantonal "autonomy" has served for decades as a barrier to full universal suffrage at the local level, where women can still be denied the right to vote. And minorities which do not fall along cantonal lines--either because they are so tiny or so dispersed--may be no better off in Switzerland than they are in any other country. Ethnic Roma (Gypsies), for example, have asserted that until very recently, Roma children in Switzerland were forcibly removed from their parents by a government-affiliated organization which maintained that Roma families were inherently a "dangerous" social environment for the children.[44]

* * * * *

> "[We are grateful to the] Almighty Disposer of all events--to behold a government erected by the majesty of the people--a government which to bigotry gives no sanction, to persecution no assistance, but generally affording to all liberty of conscience and immunities of citizenship, deeming every one of whatever nation, tongue, or language, equal parts of the great governmental machine. . . "
>
> *--Moses Seixas, Warden of the Newport, RI, Jewish congregation, in a congratulatory letter to George Washington, August 17, 1790.*[45]

* * * * *

Western approaches to resolving minority-majority disputes have generally been successful--where success is defined as the protection of the integrity of the state, the maintenance of a threshold level of order and stability, and the safeguarding of at least minimal (albeit evolving) notions of "justice." But the continued problems faced by minorities in the United States provide eloquent testimony to the fact that democratic precepts and institutions, from the rule of law to free elections, are not, in and of themselves, guaranteed remedies to the adversity created by blunt racism, bigotry, and prejudice. This is particularly true for African and Native Americans, for whom the legacy of slavery and ordeal of the displacement of aboriginal peoples makes their respective experiences unique in America's history. The experiences of these two groups contrasts starkly from that of the majority of immigrants to this country who have assimilated into the fabric of American society.

It is these aspects of the American experience which have contributed to the widespread impression that the American and European minorities--and the events which created them--are simply too different to allow for meaningful comparison. According to this view, minorities in Europe are "historic," often little bits of a population left behind shifting borders, or ebbing and flowing with wars, famines, and economic reversals, but in any case attached to some historic homeland. In contrast, Canada and the United States are portrayed as countries of immigrants where most people merge into one new, big majority, evoking imagery of mosaics and melting pots. But while there are obvious and significant differences between the American and European experiences, there are also many, if perhaps more subtle, similarities.

First of all, the United States does have minority populations which are related to certain geographic territories. Native Americans, whether currently on reservations or not, certainly have ties to specific lands, as continued suits over property rights demonstrate.[46] Hispanic Americans in the heavily populated states of California, Texas, and Florida are among the fastest growing ethnic groups in the United States[47]--a demographic fact that not only has real meaning for government policies under the United States' bicameral federal system but could someday lead to the kind of linguistic and cultural divisions that have taken root in Canada. There, a secessionist movement by Francophones would not even be thinkable but for their attachment to specific, discrete and severable lands.

At the same time, it is easy to overlook the fact that Europe has had its share of dispersed minorities as well. For centuries Roma (Gypsies) migrated to Europe from Northern India, settling--but not assimilating--in almost every state on the European continent. The same can be said of Europe's Jews, who migrated to the continent from the Middle East and maintained their own distinctive cultural traditions. In the northern most regions of Norway, Sweden, and Finland, above the Arctic Circle, an estimated 60,000 indigenous Saamii (Lapps) continue to practice a semi-nomadic lifestyle not unlike that practiced by some Eskimos in America.[48] And today, there are increasing numbers of new minorities in Europe: immigrants from Asia to the United Kingdom and from North Africa to France and Italy and Spain, as well as Yugoslav and Turkish workers who have settled in Germany and Austria. It remains to be seen how these Western countries will manage their relations with these "non-historic" minorities.

In the days of Moses Seixas, the American founders placed great emphasis on the federal system as a way to protect minority rights. In particular, the founders were acutely aware that the country they were founding embraced a diversity of faiths, religious minorities in their homelands who had fled persecution. It was believed that by dividing the government into "so many parts, interests, and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from the interested combinations of the majority."[49] Accordingly, while the numbers of Representatives allotted to any individual state was based on the population of that state, each state was guaranteed an equal number of Senators (two). Populous states--majorities--would not have a completely free hand to railroad the relatively small states--minorities.

Clearly, though, a federal system proved an insufficient guarantee of rights for minorities. Indeed, there are currently no fewer than 12 territories under U.S. control which do not have the status of statehood at all; without that status, over five million residents in those districts are denied any meaningful (i.e., voting) representation in the Congress of the United States.[50] While these areas have varying degrees of local autonomy, they are shut out of the American Federal Government. The majority of these people are Pacific Islanders, Hispanic Americans, and African Americans.[51]

On a more fundamental level, effective political participation for minorities is dependent on their ability to participate effectively first and foremost as individuals. Not surprisingly, then, the first front in the American struggle to ensure at least the opportunity for effective political participation was directed at gaining universal adult suffrage, without regard to the race or gender of the voter.[52] Later, those efforts shifted to the specific issue of ensuring "one person, one vote." This mandate, ultimately embodied in the Supreme Court's 1963 decision in *Gray v. Sanders*,[53] ensured that the 435 single-member congressional districts for the House of Representatives are drawn in such a way that their populations are virtually numerically equal (based on the decennial censuses).

On the legislative front, the U.S. Congress passed the landmark Voting Rights Act in 1965. As amended, Section 2 of this legislation prohibits any voting qualification or prerequisite to voting, or standard, practice or procedure applied or imposed by any state or political subdivision which results in the denial or abridgement of the right to vote of any citizen of the U.S. based on race, color, or membership in a language minority.[54] Subsequent amendments to that law were intended to make clear that, when possible, "concentrations of minority voters should be given their own districts rather than diluted."[55] In short, the Voting Rights Act presupposes that 1) there are minorities in the United States; 2) they are distinguishable from the majority along racial, ethnic, or linguistic lines; 3) based on those racial, ethnic, or linguistic divisions, the minorities will have different political goals and hence will act (i.e., participate in the political system) differently than the majority; and 4) to that end, minorities have a right not to have their votes "diluted."[56] Since the passage of the 1965 Voting Rights Act, it has been used to strike down thousands of voting practices deemed to be discriminatory throughout the United States.[57]

Although the Supreme Court had interpreted this law as requiring persons alleging discrimination under the Act to prove both a specific intention to discriminate as well as discriminatory results,[58] in 1982 Congress amended the law so that only discriminatory results need be proved before relief can be given. The 1982 Amendments make clear, however, that "nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population." In this way, the Congress reiterated the long-standing preference in the American system for a winner-take-all electoral process, as opposed to the proportionality systems used in many European countries.

On a parallel track, a separate set of cases has addressed the question of gerrymandering--the "process of dividing a state or other territory into. . . political divisions, but with such a geographical arrangement. . . to secure a majority for a given political party in districts where the result would be otherwise if they were divided according to obvious natural lines."[59] That track ultimately led to the Supreme Court's decision in *Davis v. Bandemer*, where the Court held that gerrymandering could be challenged in the courts as a violation of the 14th Amendment to the U.S. Constitution.[60] According to this standard, unconstitutional discrimination occurs when a districting plan consistently lessens a group of voters' influence on the electoral process when taken as a whole.[61] At the same time, the Court in *Davis*, as the legislature did in the Voting Rights Act, asserted that the mere failure [of a political party] to gain proportional representation would not constitute unconstitutional representation.[62] In *Davis*-type cases, the courts considered the impact of voting-district divisions not with respect to racial or ethnic groups, but with respect to groups with different political views.

In light of the results of the 1990 census, states and localities in the United States are now in the process of redistricting based on revised population figures. It is widely believed that this process of redistricting will result in an enormous wave of litigation testing the parameters established under both the Voting Rights Act as well as the standards set forth in *Davis v. Bandemer*.[63] It remains to be seen how the courts will accommodate these two mandates. Indeed, it is not entirely clear that they can be easily reconciled.

Western approaches to minority-majority relations reveal that, while sharing a common foundation, these countries have executed a diverse range of policies and practices. At the very least, these approaches have proven successful in avoiding the kind of massive bloodshed often attendant with minority conflicts in many other parts of the world. But no Western country has found a means of resolving all its minority-majority disputes (or minority-minority disputes for that matter) and certainly no one has found anything that comes close to a model that could be easily transferred to other countries. Indeed, these practices are continuing to evolve, not only as minorities within individual countries struggle to protect their own cultures and traditions, but also as state-to-state relations undergo significant changes in both North America and Europe. As an issue that is having an increasingly direct impact on local, regional, and global politics, it will continue to remain one which drives, as well as responds to, political agendas.

Endnotes

1. *Staff Report on Homelessness in the United States,* U.S. Commission on Security and Cooperation in Europe, 101st Cong., 2d Sess. (1990).

2. SPEECHES OF THE AMERICAN PRESIDENTS 38 (Janet Podell and Steven Anzovin, eds., 1988).

3. *Riot in Washington, Not Many Hurt,* THE ECONOMIST, May 11, 1991, 23-24.

4. Sanchez and Henderson, *D.C. Hispanics Find Voice, but Power is Elusive*, The Washington Post, May 11, 1991, at A11, col. 1.

5. Ironically, many of these aliens were "undocumented" because they may have been wrongfully denied refugee status in violation of U.S. law. In the largest political-asylum class action suit in the history of the United States, the Immigration and Naturalization Service conceded that it would rehear some 150,000 Salvadoran and Guatemalan asylum petitions. Slind-Flor, *More Than Just Tilting At Windmills,* THE NATIONAL LAW JOURNAL, Feb. 18, 1991, at 8.

6. One author estimates that approximately 3,000 persons may have died in ethnic conflicts in the West since the mid-1960's, largely in these two regions. Heisler, *Ethnicity and Ethnic Relations in the West,* CONFLICT AND PEACEMAKING IN MULTIETHNIC SOCIETIES (Joseph V. Montville, ed. 1991) at 22.

7. Rose, *Northern Ireland: The Irreducibe Conflict,* CONFLICT AND PEACEMAKING IN MULTIETHNIC SOCIETIES (Joseph V. Montville, ed. 1991) at 137.

8. THE STATEMAN'S YEARBOOK 1990-91, (J. Paxton 127th ed. 1990) at 1366.

9. *See, for example, The Battle of Vaulx-en-Velin,* The Economist, Oct. 13, 1990; *Racism Revived,* The Economist, May 19, 1990, at 14; *Gateway to Europe*, The Economist, Apr. 28, 1990 at 55; and *The Other Fortress Europe,* The Economist, June 1, 1991, at 45.

10. In contrast to this more polite discourse, violence broke out near Montreal last year when indigenous Mohawks engaged in a 78-day stand-off in an attempt to prevent what they argued was sacred land from being turned into a golf course. The Economist, Survey on Canada at 11, June 29, 1991.

11. McNeill, *Peasants, Politics, and Television,* The Washington Post, Dec. 30, 1990, at C4, col. 4.

12. *Id.* at C1.

13. Sieghart, THE INTERNATIONAL LAW OF HUMAN RIGHTS 8 (1983).

14. *Id.*

15. The texts of the main instruments are reprinted and compared in Seighart, *supra* note 11, at 72 - 74. *See also* U.S. CONST. amend. XIV, § 1.

16. Sieghart, *supra* note 13, at 18.

17. *Reprinted in* HUMAN RIGHTS IN INTERNATIONAL LAW BASIC TEXTS (1985) at 101.

18. Marie, *International Instruments Relating to Human Rights,* 12 H. RGTS. L. J. 27, 32 (1991).

19. Eur. Ct. of H.R., Judgement of 23 July 1968, Series A No. 6.

20. *Quoted in* Deschenes, *Proposal concerning a definition of the term "minority,"* U.N. Doc. E/CN.4/Sub.2/1985/31, para. 112. That is, the collective rights of minorities are not explicitly contained within the European treaty.

21. Although the International Covenant on Civil and Political Rights explicitly recognizes the rights of minorities, the UN enforcement machinery is less sophisticated and less effective than that of the Council of Europe's system.

22. Heisler, *Hyphenating Belgium: Changing State and Regime to Cope with Cultural Division,* CONFLICT AND PEACEMAKING IN MULTIETHNIC SOCIETIES 183 - 188 (Joseph V. Montville ed. 1991).

23. *Aiming for Federalism,* Financial Times (London), June 2, 1991.

24. *See* CONST. OF SWITZERLAND, art. 3 (*reprinted in* CONSTITUTIONS OF THE WORLD, 1991, eds. Albert P. Blaustein and Gisbert H. Flanz); U.S. CONST. preamble, amend. X. Article 3 of the Swiss Constitution states, "The Cantons are sovereign insofar as their sovereignty is not limited by the Federal Constitution and, as such, exercise all rights which are not entrusted to the federal power."

25. THE STATEMAN'S YEARBOOK 1990-91, at 1168 (J. Paxton 127th ed. 1990).

26. *See, for example,* Rovine, *Defense of Declarations, Reservations, and Understandings,* in U.S. RATIFICATION OF THE HUMAN RIGHTS TREATIES 55-56 (1981), in which the author discusses the steps necessary for Canada, Finland, Denmark, the United Kingdom, and the Federal Republic of Germany to make their international obligations conform to their respective domestic systems.

27. Sieghart, *supra* note 13, at 13.

28 Hannum, AUTONOMY, SOVEREIGNTY, AND SELF-DETERMINATION THE ACCOMMODATION OF CONFLICTING RIGHTS 52-53 (1990).

29. The treaty is reprinted in Alcock, THE HISTORY OF THE SOUTH TYROL QUESTION at 473 (1970).

30. For example, there were continued disputes over the degree of political and economic autonomy of the local government. Hannum, *supra* note 28, at 433.

31. Eyck, *South Tyrol and Multiethnic Relations,* CONFLICT AND PEACEMAKING IN MULTIETHNIC SOCIETIES (Joseph V. Montville, ed. 1991) at 228.

32. Hannum, *supra* note 28, at 434.

33. Official versions of the declarations as well as unofficial translations into English were made available at CSCE Geneva Experts Meeting on National Minorities, July 1991.

34. Hamilton, Madison, & Jay, THE FEDERALIST 63 (Benjamin Fletcher Wright ed. 1961).

35. Rose, *supra* note 7, at 145.

36. Switzerland is formally titled the "Helvetic Confederation," reflecting its centuries-old constitutional framework. Historically, Switzerland did indeed have a confederal system in which the central government could not deal with individuals but was confined to addressing relations between cantons. Today, however, it most closely approximates a federal system. *See Chronology* in Blaustein, *supra* note 24 at 1-18.

37. THE STATESMAN'S YEAR-BOOK, *supra* note 25, at 1164.

38. Steiner, *Power Sharing: Another Swiss "Export Product"?*, CONFLICT AND PEACEMAKING IN MULTIETHNIC SOCIETIES (Joseph V. Montville, ed. 1991) at 107-108.

39. Const. of Switzerland, art. 107, *supra* note 24.

40. *Id.* The three official languages are German, French, and Italian. Romansh is a "national" language. Const. of Switzerland, art. 116.

41. Steiner, *supra* note 38, at 109.

42. *Id.*, at 107.

43. *Id.*

44. Submission by the Romani International Union and the *Federation Internationale Des Droits de l'Homme* before the UN Commission on Human Rights, 47th Session, Feb. 25, 1991, at 3.

45. Reprinted in the Washington Post, July 7, 1991, F6, at col. 5.

46. Between 1946 and 1978, the U.S. Indian Claims Commission settled a large number of claims, in which 60 percent resulted in tribal awards that collectively amounted to $800 million. Waldman, ATLAS OF THE NORTH AMERICAN INDIAN 222 (1985).

47. Vobejda, *Asians, Hispanics Giving Nation More Diversity*, The Washington Post, June 12, 1991.

48. Hannum, *supra* note 28, at 247.

49. Madison, *supra* note 34, at 358.

50. THE STATESMAN'S YEAR-BOOK, *supra* note 23, at 1376-1377. The territories are: Puerto Rico, the Virgin Islands, American Samoa, Guam, the Northern Marianas, the Marshall Islands, the Federal States of Micronesia, Palau, Midway Islands, Wake Island, the Johnston and Sand Islands, and the nation's capital, the District of Columbia.

51. *Id.*

52. *See* U.S. Const. amends. XIV, XV, and XIX.

53. 372 U.S. 369, 381 (1963).

54. 42 U.S.C. secs. 1973, 1973b(f).

55. Alston, *Democrats Court Minorities to Counter GOP's Pitch*, 49 Congressional Q. Weekly Report 1103, 1104 (1991).

56. Thornburg v.Gingles, 478 U.S. 30, 46, 48 (1986).

57. Karlan, *Undoing the Right Thing: Single-Member Offices and the Voting Rights Act*, 77 VA. L. R. 1, 2 (1991).

58. Mobile v. Bolden, 446 U.S. 55, 62-63 (1980).

59. Black's Law Dictionary 618 (5th ed. 1979).

60. 478 U.S. 109, 119-27 (1986).

61. *Id.*, at 132.

62. *Id.*

63. *See, for example,* Kerr, *New Jersey Redistricting Sets Off Debate on Shift in Minority Voters,* The New York Times, Mar. 29, 1991 at A1, and Berke, *Redistricting is the Catalyst of Odd Union*, The New York Times, April 8, 1991, at A1.

The USSR and the Baltic States

A discussion of the situation of national minorities in the Soviet Union is complicated by the very structure and political realities of the country: a multi-national state, often called "the world's last empire," in which Russians have historically been the ruling people. When the Soviet Union was a highly centralized state, all non-Russians were minorities. With the country now in transition to a more decentralized structure, the situation is more fluid and less easily defined.

In such a context, individuals and groups constitute minorities depending on where they live and who has power over them, and people[s] play multi-faceted roles. For instance, Ukrainians might be considered a "national minority" in relation to the numerically and politically dominant Russians. Yet Ukrainians constitute a majority of the population in the Ukrainian republic, where many non-Ukrainians live. At the same time, Ukrainians in Uzbekistan might well be seen by Uzbek nationalists (and might see themselves) as members of a European Slavic minority among a Moslem Asiatic people.

Another crucial complicating factor is that the relationship between the Russian-dominated "center" and the republics is changing, perhaps radically. More than before, republic leaderships are determining their internal affairs, including nationality relations. In this light, "national minorities" issues are increasingly becoming a priority and responsibility of republic leaderships, even if the central Soviet authorities retain substantial influence in the definition of, and policymaking on, these matters.

The ramifications of this development are difficult to foresee, but one possible salutary consequence may well be greater attention by republic leaderships to the rights of national minorities and intensified efforts to address related problems. The domestic motivations for republics to take such a course are obvious: the perceived need to come to terms with their restive national minorities, plus the desire to distinguish themselves from what they see as 70 years of Soviet suppression of minorities, compounded by the determination to frustrate Kremlin efforts to use national minorities against them.

Foreign considerations are equally compelling: the republics' solicitation of foreign support for their entrance into the international arena at a time of heightened international concern about rising ethnic tensions in post-communist Europe. This concern has been reflected by the corresponding attempt in the CSCE context--an extremely interesting and attractive forum to Soviet republics seeking sovereignty and control of their foreign relations--to formulate and enshrine concrete responsibilities and commitments protecting national minorities. The emphasis placed on provisions concerning national minorities in the statement on bilateral relations signed on May 31, 1991 between Hungary and Ukraine exemplifies the awareness among republic leaderships of the centrality of the issue.[1]

Much the same applies to Estonia, Latvia and Lithuania, whose forcible incorporation into the USSR in 1940 has never been recognized by the United States and most western governments. The population of the Baltic States (especially Estonia and Latvia) also includes substantial proportions of national minorities, and there has been much tension between the Baltic peoples and non-Balts. Latvia, Lithuania and Estonia have all passed laws protecting the rights of national minorities, and Estonia and Latvia have signed agreements with the Russian republic (RSFSR) which obligate both signatories to guarantee the rights of national minorities on their territories. Considering their present circumstances, the Baltic leaderships cannot fail to be conscious (sometimes painfully so, as they endure armed attacks by Soviet Internal Affairs forces) of the sensitivity and many political nuances of the national minority issue.

Demography and Structure of the USSR

In contrast to the Russian Empire, the Soviet federal system is based on official nationality and its territorialization. Provinces had constituted the primary territorial unit of the Russian Empire, but the Soviet authorities created republics based on, and named after, specific peoples--of whom there are very many. As Soviet spokesmen often stress, when explaining the complexity of their "nationality problem," there are well over 100 nationalities in the USSR. Actually, however, the great majority of them are very small. In a total population of some 280 million, there are 22 nationalities numbering 1 million or more. 15 of them, including 13 of the 14 largest, have their own union republics and comprise over 90 percent of the population.[2] These peoples are often called "titular republic nationalities" or "eponymous peoples."

Other, smaller groups have their own autonomous territorial entities: there are 34 autonomous republics and administrative regions named for peoples. Still, because of the ways boundaries were drawn up in the past and because of past and continuing migration, many Soviet citizens belong to a nationality that has no specific territory or live outside their nationality's administrative region: Soviet President Mikhail Gorbachev in March 1991 cited a figure of 75 million such people. The result is a patchwork quilt of scattered peoples, despite the nationally-based system of republics.

Russians and Non-Russians

The Russian-dominated Communist Party has run the Soviet Union since the country's inception. As a Soviet economist wrote about the USSR in a December 1988 discussion of the nationality question in *Twentieth Century and Peace*:

> the leadership is drawn from Russians; they predominate among the heads of the main agencies of power, in the Academy of Sciences, in the Central Committee, in the All-Union Central Trade Union Council, and so on. In addition, Russian leaders also hold a special position in the national republics. In other words, it [the Russian people] is a patron-people with

respect to the other nationalities.

The Soviet leadership has always sought to mold a "Soviet" people through the active promotion of the Russian language and Soviet values, while official propaganda proclaimed the harmony of all peoples living within Soviet borders. All non-Russian peoples, therefore, including those that have a republic or other administrative entity, to varying degrees have been, and consider themselves to be, disadvantaged vis-a-vis the Russians; in this sense, they can be considered "national minorities."

After 1985, it became increasingly possible for non-Russian peoples to voice long-repressed resentments against centralized rule by Moscow and russification. The historic battle that erupted in 1988 between the Russian-dominated center and non-Russian republics, manifested most powerfully by the open drive for independence by the Baltic States and several Soviet republics, and the declarations of sovereignty by newly elected republic legislatures in 1990, has transformed the dynamic of Russian/non-Russian relations. But these developments have also affected relations within republics between eponymous peoples and members of other nationalities.

National Minority Problems Between and Among Non-Russian Peoples

By no means do Russian/non-Russian relations exhaust the scope of national conflicts in the USSR. There are numerous resentments, often dating back decades or even centuries, between and among non-Russian peoples. These historic conflicts have, since 1986, occasionally made international headlines, especially when they have burst into violence. According to TASS, quoting the Soviet Ministry of Internal Affairs on May 20, 1991, over 1,200 people have been killed and 10,000 wounded in inter-ethnic clashes in the USSR in the last 3 years.[3]

Paradoxically, the shift in certain cases from longstanding mutual animosity and mistrust between non-Russian peoples to bloodshed is due in part to reform initiatives of the Soviet government. Glasnost greatly enhanced possibilities for self-expression, including flare-ups of inter-ethnic tension, even in its most violent forms. Decentralization, accompanied by the weakening of state controls, especially the coercive apparatus, also allowed outbreaks of inter-ethnic violence to erupt. In the more tightly controlled pre-Gorbachev Soviet society, such incidents would have been less likely to take place and central authorities would have quickly suppressed them, even if they did nothing to address the underlying causes of hostility.

But decentralization also fostered inter-ethnic violence by stimulating imaginations and fears. In an atmosphere of political liberalization, popular front movements and other political organizations associated with the republics' titular nationality arose to promote their national priorities. Their activities often led to disputes and confrontations with members of national minorities in the republics, who complained nervously of the allegedly "exclusivist" orientation of the "indigenous nation."

There were often jurisdictional, as well as national, components to these conflicts. While republics were asserting their sovereignty vis-a-vis the center, regions (*oblasts*), districts (*raions*) and municipalities--particularly those heavily populated by national minorities--often attempted to carve out their own rights vis-a-vis the republics. Local authorities complained that newly elected republic leaderships were applying to them the same repressive controlling tactics they so loudly denounced when employed by the center. This confrontation between republics and local authorities was often complicated by the uneven shift of power on these respective levels of government: the Communist Party retains substantial influence in local governing councils in many republics, even if it has lost its hold on the republic legislature. Relations between the mostly-Polish Salcininkai region in Lithuania with Lithuania's leadership is a good example of the confluence of multiple factors--national, jurisdictional and political--in what are sometimes called, simplistically, "national" conflicts.

When the center's hold appeared to weaken to the point that independence for republics no longer seemed chimerical, these conflicts often became more acute. Peoples who harbored hopes of gaining, or regaining, independence traced a long Russian-Soviet tradition of "divide and conquer" practices to keep them down. Such policies allowed Moscow (or St. Petersburg, before 1917) both to act as arbitrator and to pose as indispensible savior/conciliator. With visions of imminent freedom before their eyes, eponymous peoples now tended to see anxieties and grievances by minorities as part of a centrally-orchestrated ploy against them. Its method, they claimed, was to instigate inter-ethnic conflicts within republics; its purpose was to deflect them from a "national liberation struggle" against the center by bogging them down in a "national defamation struggle" at home and castigating them as chauvinists before the Soviet public and disapproving Western public opinion, which would refuse to back their aspirations.

Members of national minorities, on the other hand, often saw the distant Russian-dominated center as a source of protection against nearby titular republic nationalities. Many of them, already concerned by laws passed under the influence of burgeoning national movements (especially language laws), feared that they and their children would become "second-class citizens" in independent republics. Helsinki Commission staff has heard these fears, expressed in strikingly similar terms, from representatives of such peoples all over the Soviet Union, some of whom favorably compare the "big empire" (the USSR) to "small empires" (republics). So while eponymous peoples might dream of the "end of the empire," national minorities might view that prospect with anxiety, if not dread.

Nevertheless, not all minorities--and certainly, not all members of all minorities--harbor these fears. Some welcome the independence of the republic they live in, feeling their rights will be better protected by democratic republics rather than a center still dominated by communist influence. For example, the results of the plebiscites on independence in the Baltic States in February and March 1991, in which significant percentages of the non-Baltic population in these republics voted for independence, demonstrate that such "national minority" conflicts have a highly political, as opposed to purely ethnic, basis.

The Soviet Leadership's Response

Mikhail Gorbachev has acknowledged that he long underestimated the importance of nationality issues. His education has been punctuated by outbursts of inter-ethnic violence and marred by the emergence of some chronic conflicts, such as the Armenia-Azerbaijan clash over Nagorno-Karabakh.

On the other hand, the national minority issue has given the Soviet leadership opportunities to pressure republics seeking independence or greater sovereignty. Soviet Internal Affairs forces have been sent into Georgia in connection with the violence in South Ossetia. An April 1991 resolution of the USSR Supreme Soviet's Council of Nationalities implied that Moldova's territorial integrity depended on its compliance with a December 1990 Gorbachev decree demanding that the republic reconsider its language law and guarantee equal rights for all ethnic groups.[4] Lithuanian officials have indicated that Moscow has instructed Communist Party leaders from Polish regions of Lithuania to create a Polish republic in the Vilnius region.[5] Apart from these specific examples, the proclaimed need to protect Soviet citizens living outside their home republics was constantly emphasized in the run-up to Gorbachev's March 17, 1991 referendum on preserving the "renewed Union."[6]

The center's self-interested involvement in intra-republic national minority disputes complicates issues that would be wrenching enough without this added factor. And even if Soviet intervention were limited to halting violence between peoples, this policing/peacekeeping function permits the Soviet authorities to play an arbitrating role that ideally would be taken over by negotiators representing the contending parties.

Conclusion

Before 1985, Moscow played the decisive role in the USSR's nationality problem; today, the republics and the national minorities themselves are directly participating in the political equation. This transition, aside from all the other attendant difficulties, will entail considering new definitions of "human rights." Two especially contentious examples concern language laws and citizenship. To wit, does a republic have the right to establish a "state" language and institute standards for its use, and can individuals and/or groups justifiably protest such requirements as a "human rights violation?" Or, what is the relationship between republic citizenship (as introduced by Lithuania and Moldova) and Soviet citizenship? If a republic secedes from the USSR against the wishes of individuals or groups desiring to retain Soviet citizenship, can republics that otherwise protect their rights reasonably make them choose citizenship, when one's status will affect political and economic rights, specifically voting and property owning?

These issues would be thorny in the best of times and circumstances. Protecting human rights while resolving them--peacefully--against the backdrop of economic decline and heated tempers will test the wisdom and patience of the center, the republics and national minorities.

Endnotes

1. RFE/RL DR June 3, 1991. Leonid Kravchuk, Chairman of Ukraine's Supreme Soviet, said explicitly in Hungary that the question of national minorities is a priority issue for Ukraine.

2. Paul A. Goble, "Gorbachev and the Soviet Nationality Problem," in M. Friedberg and H. Isham, eds., *Soviet Society under Gorbachev*, (Armonk, N.Y.: M.E. Sharpe, 1987), p. 81. The results of the 1989 census revealed no alteration of these demographic-territorial realities.

3. RFE/RL DR May 23, 1991.

4. RFE/RL DR June 3, 1991. *See also* "Restive Soviet Republic Yields to the Kremlin," *New York Times*, January 2, 1991.

5. FBIS SOV DR, May 17, 1991, p. 34.

6. The referendum itself was an effort to pressure republic legislatures unwilling to sign Gorbachev's draft Union Treaty. *See* the report by the Commission on Security and Cooperation in Europe, *Referendum in the Soviet Union: A Compendium of Reports on the March 17, 1991 Referendum on the Future of the USSR*, (Washington, D.C., April 1991).

Jews in the USSR

Discriminatory policies of the tsarist government and anti-Jewish sentiments among peoples of the Russian Empire left a powerful and painful legacy for Jews in the USSR. The effects of this legacy were compounded by the atheist and denationalizing aspects of Bolshevik ideology, the murderous features of Stalinism, and the residual suspiciousness among Soviet officialdom towards a minority people with strong ties to co-nationals in the West. Before 1985, the difficulties Soviet Jews encountered in expressing their national identity and/or being accepted as trustworthy citizens by the Soviet regime induced many to seek emigration, even though their attempt to leave the USSR entailed risks and the prospect of harassment, including physical violence.

Since 1985, a paradoxical situation has developed for Soviet Jews. Mikhail Gorbachev's more liberal policies have greatly broadened their opportunities for cultural and organizational activity, but glasnost and perestroika have raised new anxieties among Jews. With the general destabilization of Soviet society and the weakening of the state's coercive apparatus, they now worry about "threats from below," i.e., random or organized violence by anti-Jewish individuals or groups, more than they fear "discrimination from above," or official restrictions and arbitrariness. As one historian has observed, "Whereas in earlier decades Jews feared the power of the government, in the late 1980's and 1990 they were frightened by its weakness."[7] Concerned as well about the disastrous Soviet economic situation, many Jews have exploited the expanded opportunities for emigration to leave the USSR.

The status and prospects of those who remain will be determined by the course of political and economic reform in the USSR. If the economic situation improves, democratization continues, and the authorities--both central and republic--speak out and take action against anti-Jewish political movements and activists, more Soviet Jews may be inclined to forego the hardships of emigration and try to live as Jews in new independent states or sovereign Soviet republics. If, however, the economy continues to deteriorate and/or violence against Jews mounts, more Jews will probably take advantage of liberalized Soviet emigration legislation and practice--as long as they remain in effect.

Demography

The 1989 census listed 1,449,156 Jews in the USSR, but estimates of their number range up to 3 million, which would make them the third largest concentration of Jews in the world. Soviet Jews are highly urbanized and educated, live mostly in the European regions of the USSR and are employed primarily in the professions.

All Soviet Jews are considered members of a "national group." Even if a Jew loudly proclaims atheist convictions or converts to Christianity, the nationality designation in his or her internal passport remains "Jewish."

Territory

Unlike some national minorities, such as Crimean Tatars or Soviet Germans, Jews have a national territory in the USSR: the Birobijan Jewish Autonomous Region. Jews have never lived there in large numbers--in 1970, only 6.6 percent of Birobijan's population was Jewish. The region's geographic remoteness, plus the high degree of Soviet Jews' urbanization and education and their total lack of historic ties with this arbitrarily designated area, prevented Birobijan from becoming an authentic Jewish region.

History

After acquiring a large Jewish population at the end of the 18th century through partitions of the Polish-Lithuanian Commonwealth, the Romanov Empire restricted Jewish residence to the annexed provinces, and thenceforth alternated between policies aimed at encouraging Jewish assimilation and those designed to prevent it, sometimes pursuing both goals simultaneously. From the 1880's, reflecting the prejudices of Alexander III and Nicholas II, Russian officialdom abandoned assimilationist ends and implemented a policy of legislative and cultural quarantining, limiting even the Jews' opportunities to learn the Russian language, as well as their occupational options. The same period witnessed brutal pogroms against Jews and, even though Russia did not traditionally permit emigration, about 2 million Jews managed to leave the empire. Only with the demise of the Romanov dynasty in February 1917 were Russia's Jews emancipated.

But Russia's historic ambivalence and contradictoriness towards the Jews survived into the Soviet era. Professing proletarian internationalism, rejecting nationalism and religion, and assuming that Jews were not a distinct people and would eventually assimilate, Soviet authorities gave Jews unprecedented opportunities for education and direct participation in the politics. The general Soviet assault on religion targeted Judaism as well, while the state channeled the socialist message to the Jewish community through a network of Jewish institutions. Yet alongside assimilationist efforts went government initiatives that emphasized Jewish distinctness. A 1932 decree mandating that the national identity of Soviet citizens be stated in their passports made Jews instantly identifiable (and facilitated discrimination against them). In 1934, pursuing the Soviet practice of territorializing nationality, a Jewish autonomous region was formed in Birobijan.[2]

The rise of Stalin's dictatorship and the officially blessed resurgence in the 1930's of Russian nationalism, with its historical undertones of anti-Semitism, changed the atmosphere for Soviet Jews. In 1939, they saw their government sign a Non-Aggression Pact with the flagrantly anti-Semitic Nazi regime. During World War II, the Nazi occupation of Soviet territory resulted in the murder of some 1.5 million Jews. After the Allied victory, the advent of the Cold War and the creation of the State of Israel aggravated Josef Stalin's doubts about the loyalty of Soviet Jews, who figured prominently in his "anti-cosmopolitan" campaign. All Jewish cultural institutions in the USSR were shut down in 1948 and Jews were purged from the party and state apparatus and from positions of influence. Only Stalin's death in March 1953 averted another expected wave of purges, after the announcement 2 months earlier that a group of mostly Jewish doctors had "plotted to assassinate" the country's leaders.

In the post-Stalin period, the physical threat to the Jews greatly abated, but the Soviet Government continued to inhibit and prevent them from expressing their national or religious traditions. Nikita Khrushchev's anti-religious campaign cut the number of synagogues from 450 to under 150, and Leonid Brezhnev's tenure saw the intensified propagation of anti-Semitic propaganda masked as "anti-Zionist campaigns."

Under these circumstances, many Jews lost hope of becoming full-fledged Jews or being considered trustworthy Soviet citizens,[3] and concluded that their best option was leaving the USSR. Israel's victory in the 1967 Six-Day War in the Middle East gave them a heightened sense of pride in their Jewishness, thus providing a positive incentive to emigrate. The desire among Jews to leave combined with what analysts have seen as a complex of Soviet domestic and foreign policy motives to induce the Kremlin to allow some selective and unpredictable opening of their traditionally closed borders. For many Jews, emigration had become the overriding goal when Mikhail Gorbachev came to power.

Jewish Grievances and Aspirations

An outline of Jewish grievances and aspirations must be divided into the pre- and post-1985 period. Mikhail Gorbachev's policies have created new realities for Soviet Jews and have altered Jewish perceptions accordingly.

Religious Life and Organizational Possibilities

All religions suffered under Soviet rule, but unlike some other "recognized" denominations, the Jewish religious community has no all-Soviet or regional organization to represent its interests. Moreover, Jews had no theological seminaries to train rabbis, nor were they permitted any sectarian publications. Soviet authorities made difficult, or forbade entirely, the production or importation of Jewish religious articles. Judaism was for years, especially in the late 1960's and early 1970's, portrayed as far more harmful and reactionary than any other major religion in the USSR.[4] Opportunities for Soviet Jews to freely practice and profess their religion were therefore extremely limited.

Opportunities for Cultural Expression

Since the Soviet regime basically hoped Jews would disappear as a distinct people --even if its discriminatory policies made that unlikely--it had no interest in allowing Jewish culture to flourish. Although Yiddish was recognized as the language of the Jewish people, there was not a single official Yiddish class in the Soviet Union during the 1970's. Two official publications were permitted to function: The *Birobidzhaner Shtern*, a 4 page Yiddish newspaper which appeared five times, and the monthly Yiddish literary journal, *Sovetish Heymland*, published in Moscow.

The Soviet treatment of Hebrew--the official language of Israel--was contradictory.

Outlawed in the late 1920's, Hebrew is recognized as a legitimate foreign language and was taught at Moscow State University's Institute of Asian and African countries, at the Moscow Institute of International Relations (neither facility had Jews enrolled), and in religious institutions, such as Russian theological academies. Private teaching of Hebrew, however, was proscribed.[5]

There were no Jewish schools, cultural institutions, printing presses, lecture or publishing houses in the Soviet Union during the 1970's. No Jewish newspapers, magazines or journals appeared in Russian, although according to the 1970 census, 94.5 percent of Soviet Jews considered Russian either their native or second language.[6] The reality of cultural suppression was not changed by isolated gestures, such as the 1978 creation in Birobidzhan of a state-supported professional Jewish Chamber Music Theatre or the permission granted in 1979 to the Moscow-based semi-professional Jewish dramatic ensemble, founded in 1967, to perform a production of the Yiddish writer Sholem Aleichem's "The Enchanted Tailor."[7]

Matters deteriorated further in the hardline atmosphere of the early 1980's, when a particularly harsh crackdown on the teaching of Hebrew took place. The KGB warned teachers to cease their lessons, confiscated their study materials, and threatened them with exile. In January 1982, the KGB launched a systematic campaign against Jewish study groups in Moscow and Leningrad, arresting and jailing Hebrew teachers on charges ranging from "engaging in anti-Soviet" activities to "trafficking in drugs." In October 1983, Iosif Begun, a leading Hebrew teacher, was sentenced to 7 years in a labor camp and 5 years of internal exile for "anti-Soviet agitation and propaganda." By the end of 1984, nine Jewish activists, including four Hebrew teachers, had been arrested, and three had been sentenced to labor camp. The arrests were accompanied by a series of searches, beatings, and threats that sent shock waves through the Jewish community. At the height of this campaign, there were some 22 Jewish political prisoners.

Apparently seeking to impede the development of a shared national consciousness among Jews, Soviet authorities also consistently downplayed the specifically Jewish aspects of Nazi atrocities on Soviet territory and tried to prevent Soviet Jews from holding unofficial Holocaust commemorations. In May 1981, after thousands of Jews had gathered at the Minsk monument to Nazi victims, the Soviet authorities interrupted the ceremony by playing very loud music. Also in May 1981, a planned gathering of Jews to commemorate the Holocaust in a forest near Moscow was cancelled after organizers were threatened with imprisonment.[8]

Official Sponsorship of Anti-Semitic Propaganda

The Soviet constitution and statutes prohibit "propaganda or agitation for the purpose of arousing hostility or dissension of races or nationalities," "incitement of hostility or hatred on religious grounds," and "advocacy of racial or national exclusiveness, hostility or contempt." Nevertheless, anti-Semitic books and articles frequently appeared, with the apparent approval of the state. Before 1985, the Soviet state controlled all publication possibilities and the mass media, so dissemination of anti-Semitic propaganda through these channels was widely perceived to signal explicit official support, tacit support, or indifference to the outrage and concern it evoked among Jews.

Soviet authorities have always distinguished between anti-Semitism and anti-Zionism, claiming to oppose the former and espousing the latter; the 1975 United Nations resolution equating Zionism with racism lent the support of an international organization to a distinction that, in Soviet practice, often was undiscernible. Many attacks on Zionism became thinly veiled anti-Semitic smears, as in Trofim Kichko's 1968 JUDAISM AND ZIONISM. In late 1978 and in 1979, the propaganda took on a particularly vituperative tone, condemning Jews and Judaism as well as Zionism. Jewish human rights activists were vilified in local newspapers. An exhibit in Minsk included paintings depicting the brutalities of the Nazi occupation of Byelorussia, with a painting of a Nazi officer and a prison camp trustee wearing a Star of David grinning sadistically over a pile of naked corpses.

The Soviet authorities created in 1983 an "Anti-Zionist Committee of the Soviet Public." Its members included Jews and its apparent purpose was to coordinate efforts to combat Zionism while emphasizing the distinction between anti-Semitism and anti-Zionism. In early 1984, the Committee staged several press conferences, one of which specifically linked Zionists to Nazis.

Discrimination in Employment and Education

Stalin's purge of Jews in the late 1940's made it very difficult for them to obtain education and work in the humanities and social sciences (which led them to concentrate on science and technology).[9] This discriminatory pattern persisted, with Soviet emigres reporting that certain institutions, such as Moscow State University, and certain professions, such as mathematics were virtually barred to Jews. In 1972, responding to the outflow of highly educated and professional Jews, the Presidium of the USSR Supreme Soviet issued a decree that required would-be emigrants who had acquired a higher education to pay a diploma tax for the free training they had received under the Soviet educational system.

Emigration

Despite its international commitments, including professed adherence to United Nations and CSCE documents, the USSR has traditionally viewed freedom of movement as a privilege granted by the state rather than as a basic human right. In practice, Soviet authorities have regarded the desire to leave the Soviet Union as tantamount to treason or evidence of insanity; they have subjected many applicants to discrimination, while arbitrarily ruling on individual applications. Nevertheless, Jews (along with Germans and Armenians) have been the beneficiaries of Kremlin decisions to permit some selective emigration. The levels of Jewish emigration before 1985 were highly inconsistent, with foreign policy considerations, especially U.S.-Soviet relations, playing a key role. In the pre-Gorbachev era, emigration peaked in 1979, when some 50,000 Jews received exit visas.

The cold spell that followed the Soviet invasion of Afghanistan dramatically reduced the number of Jews allowed to leave the USSR.

Throughout these fluctuations, however, some constants remained: would-be emigres faced arduous and costly bureaucratic procedures, and many have suffered harassment, including job dismissals, inability to find work, impoverishment, expulsion from universities, interference with correspondence and telephone communication, threats of arrest--sometimes carried out--and even physical violence.

Individuals received denials based on their alleged knowledge of "state secrets," for work they had often done many years earlier, or because other family members refused to release them from financial or moral commitments. Some applicants were told that "the international situations does not warrant your emigration,"[10] or did not receive a response at all. "Refuseniks." or those whose applications were denied, often led a marginal and tenuous existence, as their difficulties finding work made them vulnerable to charges of "parasitism." Those who obtained permission had to pay high fees: 200 rubles for a passport (the equivalent of an average monthly salary) and 500 rubles per person to renounce their Soviet citizenship.

Changed Realities: 1985 to Present

Since Mikhail Gorbachev introduced glasnost and perestroika in an effort to establish a credible commitment at home and abroad to the rule of law, the world has witnessed a turn-around in Soviet policy toward its Jewish minority. The political liberalization, from which all Soviet citizens have benefitted, has afforded new possibilities --and created new problems--for Soviet Jews.

Jewish Religious and Cultural Renaissance

Soviet Jewish religious and cultural life has been going through something of a renaissance since 1985. At least three yeshivas (religious schools) have been established in Moscow and Leningrad, some religious books have been published and once banned religious articles have begun to make their way into the USSR. According to the National Conference on Soviet Jewry, more than 200,000 items, including Hebrew language text books, posters, magazines and video tapes were sent to Soviet cities in April and May 1991 alone. In 1987, four of the Hebrew teachers sentenced during the crackdowns were released from prison, three of them ahead of schedule. The ban on Hebrew teaching was relaxed and there is an extensive program of Hebrew classes and Hebrew training with more than 500 Israeli's teaching Hebrew in the Soviet Union in 1990.

Other examples of changed realities included the official approval of Jewish cultural clubs in Leningrad and Minsk, the opening in Moscow of the Solomon Mikhoels Jewish Cultural Center, the establishment of a cooperative restaurant featuring Jewish cuisine and entertainment in Moscow, and the disbanding of the Anti-Zionist committee. In 1988, the U.S. Holocaust Memorial Council signed an agreement with the Soviet Union that made available to researchers for the first time several million Nazi documents, photographs and other records of the Holocaust seized by Soviet troops in Eastern Europe at the end of World War II.[11] The Soviet authorities have also granted a licence for the printing and distribution throughout the USSR of a Russian-language newspaper published in Israel. The circulation, estimated to be approximately 300,000, and will eventually be distributed on a daily basis to Jewish communities in Moscow, Leningrad and Kiev.[12]

New Jewish Organizations

In December 1989, the first congress of Soviet Jewry created an umbrella organization. The VAAD (the Confederation of Jewish Organizations and Communities in the USSR) consists of hundreds of Jewish cultural organizations that have sprung up all over the USSR. Soviet authorities also stopped objecting strenuously to the reestablishment of contacts between Soviet Jews and Jewish groups outside the Soviet Union. In October 1989, the U.S.-based Union of Councils for Soviet Jews was permitted to hold its "annual" meeting in Moscow with the consent and participation of Soviet authorities. Visitors from Israel, the United States and various European countries have participated in its meetings, most recently at its second annual conference in Moscow in January 1991, in which over 400 persons representing 239 Jewish organizations in the USSR participated. Several of the VAAD's members have been permitted to travel to other countries to discuss the Jewish cultural renaissance within the Soviet Union.

Societal Anti-Semitism

If perestroika and glasnost can be credited with allowing greater Jewish cultural and religious expression, they have also given rise to more frequent and troubling public anti-Semitic statements. Particularly in the Russian republic, anti-Semitic organizations have emerged; while differing on certain issues, they share a powerful animus towards the Jews, whom they openly identify as such, not necessarily as "Zionists."

One exponent of anti-Semitism are groups propounding "Soviet patriotism." A prime example is *Yedinstvo* (Unity), which defends Marxism-Leninism and Stalin's contributions to the development of socialism in the USSR, and denounces Jews as pro-capitalist, "cosmopolitan," and unpatriotic. Equally anti-Semitic are some Russian nationalist political organizations, the most notorious of which is *Pamyat* (Memory). Founded in 1980 by employees of the USSR Ministry of Aviation Industry, *Pamyat* was formed to protect Russian historical treasures. Its activities, however, have taken on a very anti-Semitic tone, from the distribution of the "Protocols of the Elders of Zion" to demonstrations against the Jewish population. At times the government has strongly criticized their activities and some of their meetings were banned in parks in Leningrad. Still, according to the Union of Councils for Soviet Jews, *Pamyat* now claims 20,000 members in Moscow alone, and has organized branches in 40 other cities. *Pamyat*'s newspaper of the same name has been officially registered by the Russian Ministry of Press and Mass Information.

Other anti-Semitic groups have also surfaced. In Leningrad five of them united in April 1991 to form *Slaviansky Sobor* (Slavic Union), which announced its purpose as fighting the Jewish "implant" in the Soviet Union. Press reports estimate the number of members to be approximately 900.[13]

Yedinstvo, *Pamyat* and others, even if they enjoy support from individuals or groups among Soviet officialdom--and these organizations are usually highly critical of Mikhail Gorbachev and perestroika--are unofficial. Perhaps even more alarming than their activity are expressions of anti-Semitic bias by Soviet officials: a particularly egregious case was the recent publication in VOENNO-ISTORICHESKY ZHURNAL (Military-Historical Journal), an organ of the Soviet Ministry of Defense, of Adolf Hitler's MEIN KAMPF.

Other anti-Semitic actions, perhaps less organized, have become more frequent and open. In April and May of 1988, Jewish gravestones and gravesites were vandalized in Byelorussia, Moscow, and Odessa. Information regarding rising anti-Semitism has also begun to surface from areas such as the Caucasus and Central Asia, in which Jews have been threatened with pogroms if they do not emigrate.[14]

Emigration

Mikhail Gorbachev's policies have dramatically expanded opportunities for emigration. In 1987, the USSR Council of Ministers passed a decree codifying the reasons for denying exit applications, which permit only those with invitations from parents, children, spouses, and siblings abroad could apply. The regulations included no time limitation for "state secrecy" refusals--despite assurances by Gorbachev in 1985 in Paris that the maximum term for such refusals would be 10 years--and demanded a notarized waiver indicating that applicants had no outstanding obligations to family members.

Nevertheless, most applicants after 1987 were given permission despite these restrictions, and this practice has generally continued to the present. In the last few years, Jewish emigration has increased in almost geometric proportions. Many applicants, even those without first degree relatives, are now receiving permission to emigrate on their first attempt at applying. In 1984, 896 Jews left the USSR; in 1990, the figure rose to 186,815 and, as of June 1991 more than 100,000 had received exit visas.[15]

Yet arbitrary visa denials continue with hundreds either denied permission to emigrate for their alleged knowledge of "state secrets" or are unable to apply to emigrate, the so-called poor relatives. According to the Union of Councils for Soviet Jews, many applicants also face delays of up to 7 or 8 months before getting responses to their applications for exit permission. In other instances, many OVIR offices (Office of Visas and Registration) are so overwhelmed with the number of applicants, that they have had to close their doors temporarily. Further reports indicate that in a number of cities all graduates from certain institutions such as the Penza Polytechnic Institute are being deemed to have access to state secrets and are being told that they cannot apply to emigrate.

The dramatic rise in emigration, especially during the last 2 years, prompted President Bush in December 1990 to waive for 6 months the Jackson-Vanik trade restrictions which were initiated against the Soviets in 1974. That debate is expected to continue in 1991 as the Soviet government seeks to extend that waiver, and is directly linked to new Soviet legislation on freedom of movement.

In May 1991, the USSR Supreme Soviet passed in principle a far-reaching and long-awaited law on the "Rules of exit from and entry into the Soviet Union for Soviet citizens." This legislation was first introduced in the Supreme Soviet in November 1989 and seeks to bring Soviet law into conformity with international standards for freedom of movement by establishing the right to leave the country. The law does not go into effect until January 1993, leaving a period of time to work out the actual implementation.

The legislation empowers the Soviet government to deny exit visas for up to 5 years to individuals who possess "state secrets," but allows a commission under the Soviet Cabinet of Ministers to extend the period of a visa denial. A provision permitting the submission of appeals of visa denials every 3 years contradicts the 1989 Vienna Concluding Document of the CSCE, which lists 6 months as the time period for reviewing human contacts requests. Applicants must still produce an affidavit stating that they owe no outstanding financial obligations to their parents or ex-spouse. The legislation does, however, do away with the need for an invitation from a relative outside the Soviet Union.

The large increase in the number of emigrants has already overburdened Soviet transportation facilities, with individuals forced to wait from 6 to 9 months to arrange for airline reservations. Moreover, the United States has imposed a yearly limitation of 50,000 Soviet refugees, and Israel, while still willing and eager to accept the Soviet Jews, is showing signs of severe economic strain from the large influx of new arrivals, and there are reports that would-be emigres are holding back. The world Jewish community is helping financially, but ironically, Soviet Jews may not be able to benefit from Soviet codification of the right to leave the USSR.

Outlook

Before 1985, Soviet officialdom sponsored anti-Semitic propaganda and discriminated against Jews in employment and education, yet its tight grip on the population protected Jews from the very anti-Semitism it disseminated and stoked. Jews confronted only one power center: the Soviet regime and its bureaucratic representatives (central, republic, local and institutional). Regional and personality factors might temper the application of the governmental strictures and procedures relating to Jews and Jewish concerns, but Soviet "society," divorced from policymaking and forbidden the opportunity for independent organization, had little impact on Jewish life except on the individual level.

Mikhail Gorbachev's policies opened new possibilities for Soviet Jews--those who want to emigrate and those who want to stay. But they have also created new dangers. Since 1985, the weakening of the state's coercive apparatus and the freedom granted Soviet citizens to speak their minds have brought to the surface openly anti-Semitic groups with pretensions to political influence. Advocates of free speech--a right enshrined in U.N. and CSCE documents--would argue that the benefits of introducing this long-denied right in the USSR outweigh the dangers posed by its more hateful beneficiaries. But for Soviet Jews, the emergence of loudly anti-Semitic organizations uncurbed by a controlling and repressive--if anti-Semitic--state raises visions of pogroms, about which rumors began circulating in 1988, gained strength in 1990, and continue to alarm Soviet Jews today.

As concern mounted about pogrom rumors, 200 members of the USSR Congress of People's Deputies in 1990 petitioned Gorbachev to condemn publicly anti-Semitism. Gorbachev has to date issued no such condemnation. On the other hand, legal action has been taken against an anti-Jewish activist. In October 1990, Konstantin Smirnov-Ostashvili, a leader of a branch of *Pamyat*, was brought to trial for leading a group of supporters who disrupted a January 1990 meeting of writers in Moscow and beat some of them, while shouting anti-Semitic slogans. Smirnov-Ostashvili was the first person prosecuted for inciting inter-ethnic enmity; he was sentenced to 2 years in labor camp.[16]

Soviet Jews are now primarily concerned that "the various governments in the Soviet domain are unable to curb anti-Semitic excesses, even if these governments were committed to doing so."[17] Unless forces in the center impose a major crackdown--which might or might not limit Jews' ability to emigrate but would probably cut back their opportunities for cultural expression--the ongoing decentralization of the USSR will increasingly devolve power to republic and local authorities to regulate matters affecting Jewish concerns. Republics will develop new constitutions and laws, for instance, on freedom of religion, as the Russian republic has already done, and republics may conceivably gain the power to control emigration from their territory--two issues which directly affect the Jewish community. Thus far, there is reason to believe that republic legislation on such matters will be far more liberal than restrictive Soviet practice was for decades. On the other hand, newly elected republic leaderships will not be able to ignore public opinion, which, in a deteriorating economy, may seek a scapegoat. It is this scenario that Jews fear most.

Instability in the USSR generates insecurity among many peoples in the country, and Jews feel especially vulnerable. If the political situation and economic tailspin stabilize, they may feel emboldened to remain where they are, in the hope faring better in newly independent or sovereign republics than they have up to now in a highly centralized state in which they have historically suffered discrimination. Otherwise, many Jews will likely decide to get out while they still can.

Endnotes

1. Zvi Gitelman, Glasnost, Perestroika and Anti-semitism, Foreign Affairs, Spring 1991, p. 157.

2. Implementation of this Soviet initiative began in the late 1920's; only in 1934, however, was the region formally designated a Jewish Autonomous Region. It has been suggested that a motive fordoing so was the desire to populate a region of the Far East and protect the Soviet border with China.

3. Laurie P. Salitan, Domestic Pressures and the Politics of Exit: Trends in Soviet Emigration Policy, Political Science Quarterly, Volume 104, 1989-90, p. 673.

4. A "classic" example of such officially tolerated assaults on Judaism was Trofim Kichko's notorious JUDAISM WITHOUT EMBELLISHMENT, published in Kiev in 1963.

5. Implementation of the Final Act of the Conference on Security and Cooperation in Europe: Findings and Recommendations Five Years after Helsinki, Report submitted to the Congress of the United States, August 1, 1980, p. 119.

6. *Id.*

7. HC 1980.

8. Implementation of the Final Act of the Conference on Security and Cooperation in Europe: Findings and Recommendations Seven Years after Helsinki, Report submitted to the United States Congress, November, 1982, p. 105.

9. Gitelman, p. 144.

10. Sixteenth Semiannual Report by the President to the Commission on Security and Cooperation in Europe on the Implementation of the Helsinki Final Act, December 1, 1983-March 31, 1984, p. 22.

11. Kara Swisher, Soviets Sign Holocaust Agreement, *Washington Post*, August 18, 1988.

12. Newsbreak, National Conference on Soviet Jewry, July 12, 1991, p. 8.

13. UCSJ Monitor, April 12, 1991, p. 3.

14. Information on these incidents has been publicized by the Caucasus Network in Esopus, New York.

15. According to Soviet Jewry Research Bureau of the National Conference on Soviet Jewry.

16. *See* Elizabeth Shogren, Russian Gets 2-Year Term in Hate Trial, Washington Post, October 13, 1990, and Dmitri Starostin, Konstantin Ostashvili: A Horst Wessel for the USSR? Novoe Russkoe Slovo, May 8, 1991. TASS reported on April 29, 1991 that Ostashvili had committed suicide 3 days earlier in a labor camp.

17. Gitelman, p. 141.

Germans in the USSR

The approximately 2.2 million ethnic Germans residing in the Soviet Union have, since the end of World War II, borne a double burden. As an ethnic minority, they have endured the repression traditionally meted out to groups or individuals who attempt to retain their own cultural identity in the face of de-ethnicizing sovietization. As Germans, they bear the added stigma of association with the hated Nazi invaders of the Great Patriotic War. Charging the entire German community of collaboration with the enemy, Stalin abolished the Volga German Autonomous Republic and deported about 800,000 Germans from European Russia to Central Asia and Siberia in August 1941.

Many Soviet Germans have emigrated to the Federal Republic of Germany (FRG) under the "family reunification" provisions of the Helsinki Accords. During the Brezhnev-Andropov era, however, many German "refuseniks" suffered repression and even labor camp sentences before receiving exit visas.

Since 1985, Soviet Germans have emigrated in even greater numbers to the FRG. But those who remain have, like other Soviet citizens, benefited from the liberalized domestic political atmosphere, expanded cultural expression, reopened churches, and opportunities for travel abroad. They have also renewed efforts dating back to 1965 to re-establish the Volga German Autonomous Republic. But their initiative has not yet borne fruit and their prospects are complicated by the ongoing transition in center-republic relations: even if Moscow were agreeable, union republic and local authorities might thwart the realization of German aspirations.

Demography

Approximately 2.2 million ethnic Germans live in the Soviet Union today. They are primarily distributed through Soviet Central Asia, particularly in Kazakhstan and Kirghizia, and the Altai and Omsk Oblasts of the Russian republic. There is also a smaller concentration of Germans around the Black Sea coast and Crimea.

Historical Background

The history of the German people as an identifiable ethnic minority in what is today Soviet territory began with the "great immigration" of 1763-69, following an invitation by Catherine the Great to settle in the middle-lower Volga area of southeast European Russia. The Empire was seeking industrious farmers and artisans to populate and domesticate an area that, although theoretically subdued by Russian military might, still presented occasional threats of unrest either by recently conquered Kalmyk nomads, or Cossacks of dubious loyalty. Catherine's promise of privileges, including deferred taxation, local self-government and permanent exemption from military conscription, proved a great attraction for people exhausted by the European wars of the mid-18th century.

A second wave of 50,000 to 60,000 Germans settled around the Black Sea coast and Crimean area after a similar invitation from Alexander I in 1803. In addition to the original 304 "mother colonies," over 3,000 "daughter colonies" were subsequently founded in North Caucasus, Siberia, and Central Asia.[1] As a result, there were about 1.7 million Germans, mostly Protestants (Lutheran, Calvinist, and Mennonite), living in the Russian Empire on the eve of World War I.[2]

The various privileges offered to immigrant Germans were gradually reduced under subsequent emperors, who were apparently influenced by the Russian Orthodox Church's concern about the energetically proselytizing German Protestants. Thousands of ethnic Germans emigrated to Canada and the United States from the Russian Empire in the late 1800's.[3]

Early in World War I, the Tsarist government severely restricted the civil rights of its German subjects. Moreover, at least 50,000 of them were deported from the Volhynia region of Ukraine to the Urals, Siberia, and Central Asia, allegedly to prevent collaboration with the enemy. Although some of these deportees did manage to return, it was the beginning of a German diaspora in interior Russia that would magnify tragically in another generation. Further deportations were planned, but the February Revolution intervened.[4]

Following the October Revolution, reflecting the Bolshevik principle of territorialization of nationality, the Soviet state formed the "autonomous labor commune" of the Volga German District in 1918. This entity was formally entered into the Soviet Union as the Volga German Autonomous Republic in 1924.[5]

Before 1917, German settlements had by and large been distinguished by prosperity and order, with little indication of conflict between Germans and Slavs. By the 1930's, collectivization and repression of "kulaks" had induced many Germans to seek emigration, but only around 5,000 managed to get out.[6]

The deportation of the Volhynian Germans during World War I was repeated in greater numbers and with greater cruelty in August-September 1941, when Stalin, accusing the entire German community of collaboration with the German enemy, abolished the Volga German ASSR and ordered the forced resettlement of approximately 800,000 Germans (400,000 from the Volga German ASSR and 400,000 from other parts of European Russia) to Kazakhstan, Kirghizia, and Siberia.[7] German males, including those serving in the Red Army on the front, were sent to "work battalions" comparable to labor camps. An estimated 20,000 persons perished at one such work project camp in Chelyabinsk, Western Siberia.[8]

After World War II, a November 26, 1948 decree confined the Germans to their exile settlements under penalty of law. In 1955, following the establishment of diplomatic relations between the USSR and the FRG, Germans were permitted to move from one village to another, but not to go back to their original residences in the Volga ASSR. A significant number of Germans residing in the cold northern regions thereupon joined their compatriots in the warmer areas of Central Asia. In 1964, Soviet authorities absolved the Germans of their alleged collaboration with the Nazis, but still they were not permitted to return to the area that had been the Volga ASSR.[9]

German Grievances and Aspirations

Although several other ethnic minorities deported during the war, such as the Kalmyks and Chechen-Ingush, have been allowed to return to their native lands and to re-establish their administrative-territorial entities abolished by Stalin, the Volga Germans, along with the Crimean Tatars, have been denied this consideration: Moscow has consistently refused to restore the Volga German ASSR. As early as 1965, Anastas Mikoyan, Chairman of the Presidium of the Supreme Soviet, told a delegation of Germans in Moscow that "We fully understand that [restoration of the Volga German ASSR] would be the best solution to the problem....but [W]e cannot restore the republic now. It would cause great difficulties. Not all the mistakes of history can be put right."[10]

Spread throughout the Soviet Union in their internal exile, Soviet Germans, in the words of one Soviet specialist, suffer from a "double mark of Cain." As is the case with many ethnic minorities, any attempt to emphasize their cultural heritage, learn their history, practice their religious faith, or in any way overstep the bounds of *homo Sovieticus* has in the past drawn repressive measures from the authorities:

> The demand for opportunities to cultivate the German cultural heritage and to have national collective rights for German schools and religious services in conformity with one's own convictions is often characterized as behaviour hostile to society, against the Soviet Union and is frequently subject to punishment. This applies in particular to those minorities which have no regional autonomy like Jews, Greeks, Germans, Gypsies, etc....[11]

In addition, the constant post-war barrage of films, books and newspaper articles recalling World War II affixed an "image of the enemy" to the Germans that still lingers. The result has been job discrimination (to this day, Germans report that they, or even non-German spouses, have been denied positions in defense-related jobs), societal prejudice, and denial of religious liberties, particularly against Pentecostal congregations that refused to register with the authorities.

Gradually, a limited amount of cultural expression was provided in the form of German-language newspapers and journals, radio broadcasts, and performing arts. But this was so inadequate that one researcher wrote in 1985: "comparison with the pre-war cultural life of the German population....gives the graphic impression that from the rich cultural inheritance of the Germans, today almost nothing remains."[12]

In a few schools in German-populated Central Asia, German has been taught for a few hours a day as a foreign language. Since the abolition of the Volga ASSR, German has not been a language of instruction in any Soviet schools.

There have been a handful of ethnic Germans "elected" to Soviet legislative bodies over the years. Nevertheless, the 1989 elections to the USSR Congress of People's Deputies, the first partially free parliamentary elections since 1917, produced no ethnic German deputies to represent German ethnic constituencies.[13] The Germans constitute the largest nationality in the USSR without representation at the All-Union level.

Over the years, Soviet Germans sought to escape their difficult circumstances by leaving the country. In theory, they were one of the 3 major Soviet ethnic minorities permitted to emigrate under the "family reunification" provisions of the 1975 Helsinki Accords, prompting many Germans to apply to emigrate to the FRG. In fact, such attempts were thwarted for years, and the most persistent emigration activists (such as those who staged demonstrations on Red Square) were fined and jailed.[14] Soviet electronic and print media devoted broadcasts and articles to the alleged disappointment experienced by some emigrants who had difficulty adapting to life in the FRG.

The Situation Today

Since 1985, Soviet Germans have taken advantage to enjoy the expansion of civil rights extended (in practice, if not in legislation) to other Soviet citizens. Restrictions on religious worship and cultural activities have been lifted, and several churches and cultural clubs have been re-opened in ethnic German areas, including in the Crimea, where a pocket of about 2,300 Germans remains. The approximately 500 Lutheran Churches scattered throughout Central Asia and Siberia have been under the administrative jurisdiction of the German Lutheran Church of Latvia since the late 1970's. In 1990, an All-Union conference of Lutheran pastors was held in Tselinograd, Kazakhstan. In April 1991, the Vatican appointed bishops for Kazakhstan and Siberia.

German-language newspapers, instead of serving as stale reprints of Russian-language Communist Party organs, are now raising issues of importance to ethnic Germans. In June 1987, the government of Kazakhstan issued a decree calling for the improvement of the study of the German language in schools.[15]

On March 7, 1991, the Supreme Soviet of the USSR issued a decree abolishing the remaining residence restrictions for Germans that had accompanied the 1955 abolition of exile settlements. This edict specifically failed to restore the pre-war "administrative structure," i.e., the Volga German ASSR, but it recommended that republic governments seek ways of resolving the issue "without infringing on the rights and legal interests of citizens residing at this moment on the territories in question." The edict also directed the Soviet Council of Ministers and other appropriate government agencies to develop by the end of 1991 plans for "providing relevant benefits to citizens who had been mobilized during the Great Patriotic War into work battalions," an issue of great importance to the survivors and their relatives, not only for financial reasons, but in terms of justice.[16]

On March 14, 1991, in a demonstration of changing official attitudes toward the Germans--and possibly a desire to foster improved relations with the FRG--Soviet central television presented an hour-long show devoted to Soviet Germans. The broadcast touched upon and condemned the discrimination they have suffered in the past, although not without some references to resettlement difficulties in the FRG.

The program of liberalization since 1985 has included greatly enhanced opportunities for emigration from the USSR. Germans, despite their improved situation, have emigrated to the FRG in dramatically higher numbers. As of 1991, hundreds of thousands have left the Soviet Union.

The Current Campaign to Restore the Volga German ASSR

Excluding those who are totally committed to emigration, the overwhelming majority of politically active Soviet Germans view the restoration of the Volga German ASSR as the only realistic way to restore the cultural and linguistic identity that has been lost after seven decades of Bolshevism. An abortive project to establish a German Autonomous republic in northern Kazakhstan, where there is a major concentration of Germans, has pleased neither the Kazakhs nor the Germans.[17] An offer of extraterritorial autonomy proffered by Moscow in March 1990 was equally unacceptable to the Germans. The proposal would have set up local bodies to administer the Germans where they live and would then have elected a national government to represent these diverse areas.[18] Nor has Moscow or most Soviet Germans shown much interest in suggestions that Germans might wish to organize anew in the old East Prussian territory of the present Kaliningrad (Koenigsberg) Oblast.

Two major organizations, the *Organizing Committee* of the Congress of Soviet Germans and the *Wiedergeburt* [Rebirth] Committee, have been pressing the Soviet government to restore the Volga German ASSR. For its part, the Soviet government has formed a State Commission on the Problems of Soviet Germans within the Supreme Soviet to study the issue and produce recommendations.

At present there is some tension between *Rebirth* and the *Organizing Committee* over the means to achieve shared goals. *Rebirth* has tended to be more radical and its leadership indicates it has lost faith in negotiating with Moscow. When the Congress of Soviet Germans scheduled for mid-March 1991 was cancelled due to lack of preparation by the Soviet government (the meeting had been scheduled since July 1990 by agreement with the Supreme Soviet Commission on Intra-Nationality Relations and the Commission on Problems of Soviet Germans), *Rebirth* sympathizers formed an unofficial Congress and unilaterally declared the reestablishment of the ASSR. The chairman of the *Organizing Committee*, Soviet composer Boris Raushenbakh, called this action "destructive."[19] An *Organizing Committee* spokesman has suggested creating a Russian-German ASSR where the Volga entity existed, yet the demand for restoration of the original territory for ethnic Germans remains unchanged. In any event, both *Rebirth* and the *Organizing Congress* have been harshly critical of Moscow's dilatory stance in the negotiations.

Outlook

Although Soviet Germans are enjoying the expanded cultural freedoms, religious liberties, and freedom of movement that have accompanied the Gorbachev thaw, as is often the case in the contemporary USSR, progress is often determined by the availability of resources. In any event, the overwhelming majority of Soviet Germans have made it clear that the choice for them is either re-establishment of the Volga ASSR or emigration. This poses serious difficulties for both the central Soviet government and the Russian republic authorities. While some Russians and local governments in the Volga area have been receptive to the resettlement of Germans in their areas (Ulyanovsk oblast has reportedly invited Germans to return), signs reading "Better AIDS than Germans" have appeared at anti-German rallies in Saratov and Volgograd--the oblast capitals where the ASSR was originally located.

On the other hand, ethnic tensions in Central Asia may lend added urgency to the Germans' desire to head west for European Russia, and if there is no room at that particular inn, to keep pressing for entry into the FRG. Yet their prospects of emigrating have been clouded by the economic difficulties in Germany caused by the country's unification. German Chancellor Helmut Kohl, in Washington on May 21, said he preferred that Soviet Germans remain in the USSR, given rising joblessness in the FRG.[20]

Soviet Germans, despite posing certain challenges, do not present a significant political or military threat to the center as do some other groups. In the future, Moscow might prevail upon the FRG to accept as many Soviet Germans as wish to leave and hope the rest will assimilate. Those Germans genuinely interested in retaining their national heritage will likely choose to leave, and if thwarted from doing so, will probably spend most of their time trying to achieve that aim rather than preserve their ethnic culture in a hostile or indifferent environment.

This does not mean that the Soviet Union would not miss the Germans. Productive, law-abiding, with strong family traditions, they have provided a significant measure of social stability and economic achievement wherever they have lived in the Russian Empire or the Soviet Union.

Endnotes

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2. Eduard Becker, *Germans in Russia and in the USSR*, RUSSIA, No. 11, 1985, p. 7.

3. The late U.S. Ambassador Adolph Dubs, who was kidnapped and killed in Kabul, Afghanistan in 1979, was the son of Volga German parents who had immigrated to the United States in 1913. See Emma Schwabenland Haynes, *Ambassador Dubs Slain in Shootout*, JOURNAL OF THE AMERICAN HISTORICAL SOCIETY OF GERMANS FROM RUSSIA, Vol. 2, No. 1, Spring 1979, p. 45.

4. Sheehy, p. 23.

5. Sheehy, p. 23.

6. *The Homeless: The Tragedy of Volga German Farmers*, report from DEUTSCH AMERIKA, January 11, 1930, translated by Roger Welsch, introduction and notes by Adam Giesinger, reprinted in *Journal of the American Historical Society of Germans from Russia*, op. cit., p. 15.

7. Sheehy, p. 24.

8. *Belated Recognition of Soviet German Wartime Contribution*," RFE/RL Daily Report, No. 210, October 22, 1990, quoting uncited TASS release.

9. *The Human Rights Situation of the Germans in Territories Under the Jurisdiction of the Soviet Union*, from WHITE PAPER ON THE HUMAN RIGHTS SITUATION IN GERMANY AND OF THE GERMANS IN EASTERN EUROPE, published by the CDU/CSU Group in the German Bundestag, Bonn, October 1977, p. 58.

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11. *The Human Rights Situation of the Germans in the Soviet Union*, from VIOLATIONS OF HUMAN RIGHTS, published by the Association of Expellees, 1977, Bonn, p. 41.

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13. *Revival of German Autonomous Republic Proposed*, FBIS-SOV-89-061, March 31, 1989, p. 67, quoting Moscow Radio North America broadcast.

14. Serge Schmemann, *'Release Us', Many Ethnic Germans Entreat Soviet*, NEW YORK TIMES, November 8, 1981.

15. Joshua Maxwell, *Emigration of Soviet Germans on the Rise*, RADIO LIBERTY REPORT 324/87, July 29, 1987.

16. *Edict of the Supreme Soviet of the USSR, on repealing of legislative acts, in connection with the Declaration of the Supreme Soviet of 14 November 1989*, reprinted in Nemetskaya Gazeta, March 16, 1991. The newspaper is published in Alma-Ata, Kazakhstan.

17. Ann Sheehy, *Kazakh Minister Defends Territorial Integrity of Kazakhstan*, RADIO LIBERTY REPORT 264/88, June 15, 1988.

18. *Soviet Germans Offered 'New Kind of Autonomy,'* RFE/RL DAILY REPORT, No. 71, April 10, 1990.

19. *Congress of Soviet Germans 'Destructive,'* RFE/RL DAILY REPORT No. 53, March 15, 1991.

20. RFE/RL DR, May 22, 1991.

Ossetians in Georgia

After longstanding tensions and intermittent eruptions of violence between Georgians and Ossetians living in South Ossetia, a formerly autonomous region within Georgia, their confrontation took on larger dimensions and an apparent intractability at the end of 1990. Since December 1990, according to Soviet sources, at least 60 people have died in clashes involving machine guns, grenade launchers and even surface-to-surface missiles. Many villages in South Ossetia have been destroyed, supplies of water, gas and electricity have periodically been cut off to the South Ossetian capital of Tskhinvali--where a state of emergency has been in effect for almost 6 months--and the number of refugees has reached into the thousands.

The Georgian-Ossetian confrontation, like many conflict situations on Soviet territory today, involves a combination of local factors and efforts by the Soviet government to meddle in the affairs of republics that have declared sovereignty or, in Georgia's case, independence. Moscow has sent Internal Affairs troops to South Ossetia, where they have been disarming Georgian militia. Georgians see this as part of an imperial scheme to prevent them from leaving the USSR. Ossetians, on the other hand, see Soviet troops as protectors and have appealed to Moscow for a state of emergency throughout South Ossetia.

All of the general considerations outlined in the introduction to the section on the Soviet Union and the Baltic States on the dynamics of intra-republic national conflicts, complicated by center-republic power struggles, apply to the Georgian-Ossetian case. But there are also specific complicating factors: the high proportion of non-Georgians in Georgia (approximately 30 percent of the population), which deeply concerns many Georgians; the rise to power in the republic of an ardently nationalist government headed by a charismatic leader who has publicly voiced suspicion of non-Georgians in Georgia and who alleges a Kremlin-masterminded plot to exploit the Ossetians--in this view, willing accomplices--against Georgian independence; the abundance in Georgia, possibly to a greater degree than anywhere else in the USSR, of weapons in the hands of the civilian population; the formal autonomy long in existence in South Ossetia; the presence on the other side of the border between Georgia and the Russian republic (RSFSR) of the North Ossetian Autonomous Republic, with which many in South Ossetia would like to unite; the general deterioration of inter-ethnic relations, including fatalities, in Georgia since 1989 (involving also Azerbaijanis and Abkhazians); and finally, Georgia's determination to gain independence from the USSR.

Anthropology

Modern-day Ossetians are descended from the Iranian Alans who settled in the Caucasus in the early Middle Ages and mixed with local Caucasian peoples.[1] Their language, Ossetian, is an Iranian language unrelated to Georgian. Many Ossetians in

North Ossetia are Muslims, but most southern Ossetians, like Georgians, are Christians.[2]

The date of the Ossetians' arrival in what is today South Ossetia is under dispute between themselves and Georgians. The latter claim that Ossetians arrived only in the last 200 years, whereas Ossetians maintain that the area is part of their historic homeland.[3]

Demography

Georgia's overall population in 1989 was 5,443,000. Georgians constitute about 70 percent of the total, the remainder being composed of Armenians (about 8 percent), Russians (6.3), Azeris (5.7), Ossetians (3), Greeks (1.9), Abkhaz (1.8), and others.

The Ossetians number about 164,000. Of them, 70,000 live in the South Ossetian Autonomous Oblast (see below), alongside some 30,000 Georgians.

Territorial Structure of Georgia

There were, until December 1990, three autonomous "formations" in Georgia: the Abkhaz Autonomous Soviet Socialist Republic (ASSR); the Adzhar ASSR; and the South Ossetian Autonomous Oblast. All three tried in 1988-89 to remove themselves from Georgian jurisdiction, angering Georgians and eliciting calls among them for abolishing these formations as separate administrative units.

Background

Georgia became part of the Russian Empire in the beginning of the 19th century. In the crucible of 1917-21, with the breakup of the Tsarist Empire, the Bolshevik Revolution and the civil war, the Ossetians cast their lot with the Bolsheviks and mounted several uprisings that the Georgian Menshevik government crushed. After signing a May 1920 agreement with Georgia, the Bolsheviks in February 1921 regained by force control of the region and in 1922 created the South Ossetian Autonomous Oblast.

Many Georgians see the creation of the autonomous oblast as an illegal act by an occupying power; they reject the very concept of "South Ossetia," referring instead to "Shida Kartli," the region of Georgia into which South Ossetia ("Samachablo" in Georgian) has been incorporated. Ossetians, for their part, accuse Georgians of having committed "genocide" against them during the civil war. Relations between the two peoples since then have often been tense.

Specifics of the Conflict

The conflict stems from the South Ossetians' desire to upgrade their autonomous oblast into an autonomous republic (the latter has a constitution and additional powers) and to join North Ossetia. In November 1989, their request to Georgia's legislature for approval of an autonomous republic outraged many Georgians, whose relations with Ossetians had deteriorated during 1989 over Ossetian backing for Abkhaz separatism. An August 1989 project to intensify use of the Georgian language throughout the republic further exacerbated tensions, leading to a September decision by the oblast Soviet to make Ossetian the state language of South Ossetia, as well as appeals to Moscow for unification of North and South Ossetia.

In August 1990, a provision of Georgia's election law barred from the upcoming parliamentary elections political parties that did not support Georgia's territorial integrity. The ban included the South Ossetian Popular Front (*Ademon Nykhas*), prompting the group to call for a boycott.[4] One month later, the oblast soviet declared the oblast the "South Ossetian Soviet Democratic Republic" and asked Moscow for recognition as an independent subject of the Soviet federation.

Both Georgian and Soviet authorities ruled the move illegal, but the South Ossetians in October 1990 declared sovereignty, including dual Soviet and South Ossetian citizenship, socio-economic autonomy, and control of South Ossetia's national wealth. Priority was given to cultural and economic integration with North Ossetia, and preparations began for December elections to a republic Supreme Soviet. These elections took place on December 9; but on December 11, 1990, Georgia's newly elected parliament abolished the South Ossetian Autonomous Oblast and introduced a state of emergency in Tskhinvali. Moscow, in turn, sent Internal Affairs troops to South Ossetia to maintain order. Since then, battles have raged on all sides, with Ossetian and Georgian armed units and Internal Affairs forces engaged in guerilla-type warfare.

Ossetian Grievances and Aspirations

In an open letter to Soviet President Mikhail Gorbachev published in *People's Union*, the organ of the North Ossetian Popular Front, Ossetians living in Georgia wrote that Georgian nationalists "have for centuries tried to destroy our unique way of life, our culture, our language," especially in areas outside South Ossetia. Many families, they charged, have become assimilated and their children do not know their roots, as only the acceptance of Georgian nationality guarantees "receiving higher education and obtaining even an insignificant position."[5]

In October 1990, Helsinki Commission staff spoke with leaders of *Ademon Nykhas* in Tskhinvali. They argued that Georgia is practically a federal state, encompassing the autonomous Abkhaz, Adzhar and South Ossetian territories, so Georgia's parliament should be bicameral rather than unicameral, with the second chamber representing nationalities, as in the RSFSR Supreme Soviet. They sought constitutional guarantees of their rights, including the recognition of Russian and Ossetian, as well as Georgian, as state languages.

The Ossetians said their efforts to secure guarantees from representatives of Georgian national movements had proved futile. In fact, they accused Zviad Gamsakhurdia, longtime dissident who is today Georgia's president, of leading a caravan of some 50,000 Georgians who descended on Tskhinvali in November 1989 and allegedly perpetrated atrocities against Ossetians.

Spokesmen of *Ademon Nykhas* said that South Ossetians would ideally like to unite with North Ossetia,[6] but they recognized that the absence of economic integration between these regions, not to speak of Georgian objections, make this outcome very unlikely. They said Ossetians do not want the center to disintegrate; they see themselves as citizens of the USSR and would like to remain so.

Asked to respond to Georgian charges that Ossetians are aiding Moscow to keep Georgia from gaining its independence, *Ademon Nykhas* representatives conceded that "Moscow wants to preserve the empire." They insisted, however, that their grievances and demands were justified.

The Georgian Perspective

The Georgian government, and much of Georgian society, see Ossetians as ungrateful guests on Georgian land, who are repaying Georgia's legendary hospitality by treasonous complicity with Moscow. Many Georgians say the Soviet empire has cruelly repressed Georgia for 70 years and is now using Georgia's national minorities to keep the republic in the Soviet empire. As Zviad Gamsakhurdia, Georgia's staunchly nationalist president, put it in a March 5, 1991 television address: "all these conflicts [in Abkhazia and South Ossetia] were inspired by Moscow...in order to force us to sign the union treaty."[7]

In discussing national minorities and the dynamics of their relations with Georgians, Gamsakhurdia has claimed that Georgians have suffered discrimination in their own republic. For example, he made this charge in an interview with *The Times* in December 1990: [In Georgia] "There is discrimination by the national minorities against the root nation, the majority." Gamsakhurdia added that in South Ossetia, Georgians were an "oppressed national minority," which, he argued, was one reason Georgia could abolish its autonomy, since the "Helsinki agreement says that the rights of national minorities will be guaranteed."[8] During the election campaign for Georgia's Supreme Soviet, Gamsakhurdia said in an October 24, 1990 interview with *Vechernyi Tbilisi*: "We oppose the privileged position of non-Georgian nationalities on our territory as, unfortunately, sometimes is the case." He voiced support for the equality of all nations, including "representatives of non-indigenous nationalities."

But Gamsakhurdia has also expressed different opinions on this subject. On October 30, 1990, he told American observers of Georgia's parliamentary elections that Ossetians "have no rights because they arrived in Tskhinvali only in the 20th century."[9] Gamsakhurdia told *The Times* in December 1990 that the Abkhaz have a right to autonomy in Georgia, "because they are indigenous to Georgia." Ossetians, on the other hand, he described as "newcomers from the 18th to the 20th centuries." The antiquity of a non-Georgian people's residence in Georgia, he added, would be taken into account when the legislature eventually passed a law on citizenship.[10]

Gamsakhurdia explained that [Georgia is] "not an independent state; we are annexed and threatened by demographic expansion. We are not a big nation like England and our citizenship will be different from their's. We are in danger from the non-Georgian populations."[11] On the basis of these and similar statements, many non-Georgians accuse Gamsakhurdia of extreme nationalism and a "Georgia for the Georgians" approach to politics.

As for South Ossetia, Gamsakhurdia said in a December 11, 1990 speech to Georgia's parliament:[12]

> We recognize the right of the Ossetian people...to self-determination and the creation of independent statehood but...in their historic homeland--the present North Ossetia but not on Georgian territory....The Ossetians living in Shida Kartli...compose a national minority which can get the corresponding status according to international standards. They have the right to claim only national-cultural autonomy...we shall guarantee in all respects the rights of the Ossetian population of Shida Kartli, the development of the Ossetian language, the preservation of Ossetian schools and broad cultural autonomy...

Gamsakhurdia, in March of 1991, told an Austrian journalist that "All national minorities live very well in our republic. They all have the right to cultivate their culture." But territorial autonomy is another matter: "Ossetia is in the northern Caucasus. Here is Georgia."[13] In a *New York Times* interview on April 10, Gamsakhurdia confirmed that the autonomy of South Ossetia will not be restored.

Attempts at Resolution

As of late May 1991, no formal negotiations are taking place between Georgia's leaders and the Ossetians. Efforts by outside forces to arbitrate the conflict have thus far not produced any resolution acceptable to all sides.

On March 4, Georgia's parliament issued an appeal to the population of South Ossetia that envisioned the disbandment of all illegal militarized units, the surrender of their weapons, and the establishment of legitimate authority in Tskhinvali. The appeal confirmed that South Ossetia's autonomy would not be restored but it promised that all the rights of cultural autonomy Ossetians had enjoyed previously would be preserved, including the holding of municipal elections and the establishment of a prefecture in South Ossetia (although the prefect had to be acceptable to both Georgians and Ossetians).[14] The Ossetians apparently did not respond to the offer.

The Soviet authorities, though rejecting the South Ossetian attempt to create a new republic, have often blamed Georgia for aggravating national tensions. Mikhail Gorbachev has insisted that Georgia act to end the violence and begin negotiations with the Ossetians; the USSR Supreme Soviet, on April 1, 1991, recommended that Gorbachev impose a state of emergency in South Ossetia. Gamsakhurdia, in turn, has charged that Moscow is preparing to seize control of South Ossetia to blackmail Georgia into signing the Union Treaty. In a March 7, 1991 interview with *Nezavisimaya Gazeta*, he said that Gorbachev had given him an "oral ultimatum," warning that "either you will sign the Union Treaty, or the events in 'South Ossetia' will develop in more severe forms."[15] Ossetians, for their part, worry that Gorbachev may, indeed, come to terms with a more compliant Georgia and abandon them in the process. One of their spokesmen told a Western reporter "Russia is a big empire, Georgia is a small one. But smaller empires are always crueler."[16]

Charging the Kremlin with disseminating disinformation about Georgia and with continuing to aid Ossetian aggression against Georgia, Zviad Gamsakhurdia has issued an international appeal to the United Nations and to peoples and governments of the world. He urged the immediate creation of an international commission with the participation of experts from the United Nations and the European Parliament to investigate the situation on the spot and provide accurate information on political processes in Georgia.[17]

Russian leader Boris Yeltsin has also attempted to arbitrate in the Georgian-Ossetian conflict. The document that emerged from his March 23, 1991 meeting with Zviad Gamsakhurdia referred to the "former South Ossetian Autonomous Oblast," leading Gamsakhurdia to conclude that Russia was not interfering in Georgian affairs or insisting on a restoration of South Ossetia's autonomy.[18] Nevertheless, on March 31, the RSFSR Congress of People's Deputies called on Georgia to do precisely that.

Unofficial political groups have also attempted to mediate and propose solutions. A delegation of members of the Democratic Congress, an umbrella organization of over 30 independent parties and movements in the Soviet Union, visited Georgia in March 1991. They suggested restoration of the *status quo ante*, urging the Ossetians to retract the proclamation establishing the South Ossetian Soviet Democratic Republic, and suggesting that Georgia's parliament repeal the decision abolishing the South Ossetian Autonomous Oblast. This proposal, however, was apparently unacceptable to the Georgian leadership.[19]

On April 10, 1991, members of the Georgian parliament and the USSR Supreme Soviet signed a protocol that called for the creation of an inter-parliamentary commission composed of deputies from the legislatures of Georgia, the RSFSR and the USSR. Its purpose would be to elaborate measures to "regularize" the situation in Tskhinvali and surrounding regions, and the commission would be empowered to monitor the implementation of measures taken by the Georgian, Russian and Soviet governments to end the bloodshed, disarm all illegal groups and restore order. The protocol also assigned to the inter-parliamentary commission the exclusive right to "inform society" about the situation in the region.[20]

Nevertheless, at a May 6 session of the oblast soviet convened in Tskhinvali, a decision was taken to abolish the South Ossetian Soviet Republic and restore the autonomous oblast, which would, however, be under the administrative jurisdiction of the RSFSR. The presidium of Georgia's parliament declared the move juridically invalid. Zviad Gamsakhurdia wrote a letter to Mikhail Gorbachev and to Rafik Nishanov, Chairman of the Council of Nationalities of the USSR Supreme Soviet, condemning the May 6 decision as a provocation and asking that Soviet authorities also condemn the unilateral Ossetian restoration of the autonomous oblast.[21] Gamsakhurdia also wrote to Boris Yeltsin, expressing the confidence that Yeltsin and the RSFSR legislature would "officially dissociate themselves from the Ossetian extremists' provocative act...[or] we will consider this as its virtual recognition and as an interference into the internal affairs of the Republic of Georgia."[22]

In early June, Georgia's Foreign Minister, Georgy Koshtaria, told the Helsinki Commission in Washington that Georgia was prepared to hold a referendum in South Ossetia to determine the desires of the population. South Ossetia's removal from Georgia, in the form, for example, of unification with North Ossetia, remained unacceptable, he explained. But in a shift of policy, he continued, Georgia was now ready to agree to the restoration of South Ossetia's autonomy, if such were the wishes of the local population. No date for a referendum has been set.

A leading specialist on the subject has concluded that "Prospects for a lasting peace are minimal, given the quantities of arms that the Ossetians are said to have amassed and their steadfast opposition to the Georgian parliament's proclaimed policy of secession from the USSR."[23] Prospects might improve if Moscow reconsiders its resolve to maintain the USSR in its current configuration. If republic leaders believed that they could secede from the USSR without Moscow resorting to force or manipulation, they might be less inclined to view intra-republic nationality disputes in such categorical terms, and more disposed to compromise. And minority nationalities deprived of support from Moscow might also be moved to come to terms with their neighbors.

Endnotes

1. Ronald Wixman, *The Peoples of the USSR: An Ethnographic Handbook*, (M.E. Sharpe, Inc.; Armonk, NY 1984), p. 151.

2. Elizabeth Fuller, "The South Ossetian Campaign for Unification," *Report on the USSR*, Volume 1, Number 49, December 8, 1989, p. 17.

3. Elizabeth Fuller, "South Ossetia: Analysis of a Permanent Crisis," *Report on the USSR*, Volume 3, Number 7, February 15, 1991, p. 21.

4. *See* "Report on Georgia," in Commission on Security and Cooperation in Europe, *Elections in the Baltic States and Soviet Republics: A Compendium of Reports on Parliamentary Elections Held in 1990*, (Washington, D.C., December 1990), p. 174.

5. *People's Union*, No. 3, August 1990. The letter writers asked Gorbachev for permission to resettle in North Ossetia.

6. About 400,000 of the 500,000 inhabitants of the North Ossetian Autonomous Republic are Ossetians.

7. FBIS SOV DR Supplement, Regional Affairs, April 2, 1991, p. 33.

8. The interview was reprinted in *The Georgian Messenger* (a newspaper of the Georgian Popular Front), January 1991, No. 4.

9. See the report by Karl Kurtz, in American Bar Association and National Conference of State Legislatures, Report on Election Observations of the October 28, 1990 Soviet Georgian Election, (Washington, D.C., 1991), p. 48.

10. See endnote #9.

11. *Id.*

12. *Id.*

13. FBIS SOV DR Supplement, Regional Affairs, March 20, 1991, p. 71.

14. FBIS SOV DR Supplement, Regional Affairs, March 7, 1991, p. 83.

15. The interview was reprinted in *The Georgian Messenger*, April, 1991.

16. Marc Champion, "Soviet Georgians, Ossetians Locked in Bitter Struggle," *Washington Post*, February 5, 1991.

17. The appeal was reprinted in *The Georgian Messenger*, April 1991.

18. FBIS SOV DR Supplement, Regional Affairs, April 9, 1991, p. 59.

19. FBIS SOV DR Supplement, Regional Affairs, April 2, 1991, p. 41.

20. The text of the protocol was given to Helsinki Commission staff by representatives of the Georgian legislature.

21. FBIS SOV DR May 17, 1991, pp. 52-53.

22. FBIS, Soviet Union, Republic Affairs, June 14, 1991, p. 1.

23. Elizabeth Fuller, "South Ossetia: Analysis of a Permanent Crisis," *Report on the USSR*, Volume 3, Number 7, February 15, 1991, p. 22.

Ukraine

As Ukraine itself is part of a larger entity, the Soviet Union, that is dominated by Russians, Ukrainians can be viewed as a national minority within the USSR. Decades of Russification have suppressed Ukrainian culture even in the Ukrainian republic. But Ukrainian cultural life is now enjoying a remarkable reawakening as Ukraine gains greater control over its own affairs.

In the course of reasserting Ukrainian political sovereignty and cultural identity, both Ukraine's government and democratic movement are taking measures to preserve and develop the language and culture of the republic's many minorities and to promote equal rights for all minorities. Though their cultural life is beginning to flourish, there is still a considerable way to go to meet their diverse needs. While the future status of national minorities in Ukraine will depend on the outcome of the political struggle between "the center" and the increasingly assertive republics, there is reason to believe that a democratic, sovereign Ukraine will address the concerns of national minorities more equitably than the highly centralized Soviet state.

Ukraine in the Soviet Context

An examination of the national minority issue in Ukraine must take into account that Ukraine itself is part of a larger entity, the Soviet Union, in which Russians have historically played a dominant role. In this light, Ukrainians can be viewed as a national minority.

Ukraine's history has been characterized by centuries of foreign domination, chiefly by Russia and Poland. As the largest Slavic nation after the Russians, Ukrainians have historically posed the greatest potential threat to the existence of the Russian empire and later the Soviet Union. Consequently, as a people, they have suffered severe repression for asserting their cultural, religious and national identity. Both under the tsars and communists, manifestations of this identity were suppressed, often brutally. Knowledge of Russian, the main medium of communication in the Soviet Union, virtually has been a requirement for career advancement and social mobility, and Ukrainian language schools in the highly-Russified cities of eastern and southern Ukraine are few and far between.

Ukrainian culture, thus, has been suppressed even in the Ukrainian republic; only now is the policy of Russification beginning to be reversed, and Ukraine's previously restricted cultural life is enjoying a remarkable reawakening. However, the republic's current attempt to determine its own fate is not primarily that of a national minority seeking to assert its rights. Rather, it is the attempt of a nation to assert its identity as a political entity, either as an independent state, a member of a commonwealth of Soviet or former Soviet republics or, at the very minimum, a more autonomous political entity within a Soviet federation or confederation.

Although within the last few years Ukraine has made major strides in seeking greater sovereignty, the ultimate levers of power still reside in Moscow--in what is commonly called "the center." Therefore, the Ukrainian government's influence with respect to national minorities within Ukraine remains limited and will grow only as it gains greater authority. Ukraine's assertion of control over its own fate and growing independence from Moscow have manifested themselves in several ways. Among the most significant are: the relatively free March 1990 Ukrainian Supreme Soviet elections; the adoption of the declaration of state sovereignty by the Ukrainian Supreme Soviet on July 16, 1990, and the various follow-up laws aimed at implementing the declared sovereignty. But full implementation cannot be realized until the issue of where power resides, whether in Kiev or in Moscow, is decided.

At the same time, Ukrainians also figure as national minorities in other Soviet republics, as some 7-8 million Ukrainians reside outside the Ukrainian republic. The rights of this Ukrainian minority, like those of other minorities, were severely circumscribed by Kremlin policies of Russification. It is only under the somewhat freer conditions of the last 5 years that their rights are slowly beginning to be respected. Cultural opportunities for them, however, as well as for other non-Russians, are still very limited. As republics gain control over their internal affairs, this issue may be addressed more favorably.

Minorities in Ukraine: Historical Background

Until the 19th century, over 90 percent of the population of the territory now encompassed by the Ukrainian Soviet Socialist Republic was ethnically Ukrainian. During the course of the 19th century, the proportion of Russians, Jews and other minorities increased dramatically, primarily as a result of industrial and commercial growth in the Russian empire, especially in southern Ukraine. By 1897, Russians constituted over 10 percent of the population. Most of them were concentrated in urban centers, which, as a result, became Russian-dominated.

The Jewish population numbered well over 2 million by the end of the 19th century, with the majority residing in the cities or *shtetls* (small Jewish towns or villages). Many left the Russian empire, including Ukraine, in the late 19th and early 20th centuries fleeing the discriminatory policies of the tsarist government.[1] The ruthless Nazi extermination campaign and mass evacuations further reduced the Jewish population of Ukraine from approximately 2.7 million before World War II to about 800,000 afterwards. Jews continue to emigrate from Ukraine, further reducing their numbers to about 500,000 today.

Poles participated in the colonization of Ukraine, when large parts of it were under Polish rule in the 16th-18th centuries. They, too, experienced a reduction in population following World War II, as Soviet authorities allowed nearly 1 million Poles from western Ukraine to move to Poland. The population of the ethnic Germans and Crimean Tatars, Bulgarians, Greeks and Armenians also decreased as a result of Stalin's brutal deportations of these minorities to Central Asia. Thus, according to a recent study, "In the radical restructuring of Ukraine's ethnic composition that took place after the war, peoples such as the Poles, Jews, and Crimean Tatars, who had long played a crucial role in the history of Ukraine, adding greatly to its cultural and ethnic mosaic, faded in importance or practically disappeared. Their places were taken largely by Russians."[2]

The population of Russians in Ukraine has increased dramatically since World War II. In 1926, there were 3 million Russians in Ukraine; by 1990, there were nearly 11 million out of a total population in Ukraine of 52 million. While most of this increase is due to in-migration, another factor has been the assimilation of minorities such as the Jews, Greeks, Bulgarians, as well as by Ukrainians, into the Russian nationality.

Minorities in Ukraine Today--General

The reassertion of Ukrainian identity has slowed the process of Russification and has gone hand in hand with efforts to preserve and develop the language and culture of minorities residing in Ukraine. But though their cultural life is beginning to flourish, there is still a considerable way to go to meet the diverse needs of the national and ethnic groups residing in Ukraine.

Many of them have organized national-cultural associations. As of late 1990, there were over 80 such groups in Ukraine, representing the Jewish, Russian, Polish, Bulgarian, Armenian, German, Crimean-Tatar, Moldavian and Romanian minorities in the republic.[3] Some minorities are reviving organizations which existed during the pre-Soviet period, such as the "Society for Romanian Ladies in Bukovina," whose founding conference was held in Chernivtsi in April 1991, in the presence of delegates from Romania. Others are holding congresses, such as the first congress of Poles in May 1991 in Kiev and attended by 340 delegates and guests. Several oblasts are introducing television and radio programming in minority languages, or are making efforts to publish newspapers and books and open schools in the languages of local minorities.

National Minorities and the Ukrainian Government

The Declaration on the State Sovereignty of Ukraine, adopted by an overwhelming vote in the Ukrainian Supreme Soviet in July 1990, commits the government to respect "...the national rights of all peoples." The section on citizenship guarantees equality before the law to all citizens regardless of, among other things, their ancestry and racial or national identity, and in its provisions on cultural development, the declaration asserts that: "The Ukrainian SSR...guarantees to all nationalities living on the territory of the republic the right to free national and cultural development."

The Ukrainian government appears to be increasingly taking seriously the commitment to respect the national rights of all peoples. Two recent illustrative examples: In spring 1991, the Ukrainian Minister of Education approved the establishment of a Department of Hebrew Language at Kiev University, as well as at the University of

Odessa.[4] And on May 31, 1991, Ukraine and Hungary signed a consular convention in Budapest and a statement on bilateral relations which guarantees the rights of national minorities and supports the preservation of the minorities' ethnic, cultural, linguistic, and religious identity. Ukrainian President Leonid Kravchuk pledged that the republic will strive to create a genuine home for the 200,000-strong Hungarian minority.[5] Language on national minorities has also been included in recent bilateral agreements between Ukraine and the Russian Federation, Byelorussia, Kazakhstan, Kirgizhia and Uzbekistan.

The Ukrainian Supreme Soviet's Commission on Cultural and Spiritual Renewal has recognized the importance of providing opportunities for minority cultures in Ukraine. This commission has supported the cultural activity of minorities and has encouraged their ties with countries or republics with which they share a common national heritage, for instance, Polish minority ties with Poland. In February 1991, the Chairman of the commission's Subcommittee on the Development of National Cultures Petro Osadchuk spoke of the difficulties faced by minority associations, most notably the lack of premises, resources and access to publishing facilities and media, especially radio and television. One of the key problems is a lack of paper for publishing, a reflection of the deteriorating economic situation and, more significantly, the command of resources by the still powerful Communist Party apparat. Jewish, Polish and Romanian associations, for instance, are requesting the return of historical, cultural and religious artifacts and premises that had been confiscated earlier under Soviet rule, many of which are now being used as museums, theaters, buildings for military officers, etc.

Mindful of the problems that exist for national minorities, Osadchuk has urged the establishment of a national program for the advancement of minority cultures. Other projects are also under discussion, such as a republic publication devoted to problems of national minorities, and the training of cadres of national minority languages and cultures. Some national minority associations are urging that a governmental committee for national minority affairs be created. Osadchuk also has called for a law on national minorities which would further "develop guarantees and protections for the uninhibited functioning and development of all national and ethnic groups which constitute the people of Ukraine."[6]

Indeed, a recent draft law on national minorities, prepared by democratic opposition deputies, guarantees a wide range of political, economic, social and cultural rights to national minorities in Ukraine, and includes provisions on minority language teaching in schools and other measures to foster minority cultures. The law envisages the creation of an administrative network at different levels of government for the practical realization of minority rights. National minorities would be represented in a council of the Ukrainian Parliament which would have a voice in legislation affecting minority issues. The law foresees the creation of administrative-territorial units in areas with compact settlements of national minorities. In areas where a national minority constitutes a majority, the language of the minority would be used together with Ukrainian in governmental administrative bodies and in enterprises. The draft law is expected to be debated and adopted in the Ukrainian Parliament before the end of 1991. [7]

Nevertheless, these efforts apparently have not satisfied all national minorities. At a June 1991 meeting of Romanian/Moldavian associations from northern Bukovina and southern Bessarabia issued an appeal calling for "'an end to intimidation and oppression by local and all-Union authorities', the re-establishment of Romanian language schools and equitable representation of Romanians/Moldavians in state and public bodies."[8]

National Minorities and the Democratic Movement in Ukraine

The Ukrainian democratic movement, specifically, the Popular Movement in Ukraine, Rukh, supports equal rights for all minorities in an independent Ukraine. Rukh's Program and Charter specify that "the right to national-cultural autonomy for those ethnic groups and national minorities that reside in the republic should be the juridical principle of a nationalities policy in Ukraine." Rukh's Second Congress in October 1990 supported a resolution on "...the right to national-territorial autonomy for national minorities that do not have their statehood beyond the borders of Ukraine and national-cultural autonomy for all other nationalities." Leading Rukh activists, including Vyacheslav Chornovil, a democratic opposition parliamentarian and chairman of the Lviv oblast council, have proposed a federal Ukraine which would take into account regional distinctions, especially in areas such as Crimea, where Russian-speakers predominate.

Rukh also advocates cooperative efforts with other countries to ensure minority opportunities. In October 1990, for instance, leaders of Rukh and the Moldavian Popular Front agreed to promote the native-language education and culture of Moldavian and Ukrainian minorities in the two republics. They also agreed to set up a joint commission for the defense of rights of the minorities "and to continue consultations with a view to preventing any territorial disputes from being exploited by conservative forces opposing the two republics' efforts to attain full sovereignty."[9]

Rukh has been critical of the official policies regarding national minorities of not only the center, but also of the Ukrainian government, where Communists constitute a majority. According to Oleksander Burakovsky, vice-chairman of the Rukh Council of Nationalities, a striking example of such a policy is the "undemocratic, unpractical designation (of) the newly created 'Council of Ethnic Societies of the Ukrainian SSR' which arose as a product of games by the (Communist) apparat to counter the activity of Rukh's Council of Nationalities. The statutes of this organization were never discussed at any assembly, or by an ethnic society: delegates for the founding meeting were not elected by anyone."[10] Rukh has established its own council of nationalities, which includes representatives of national groups, movements and federations representing members of the German, Polish, Czech, Jewish, Bulgarians, Gagauz, Armenian, Russian, Hungarian, Romanian, Greek, Lithuanian, Byelorussian, various Turkic and other minorities.

Three Key Minorities

The Ukrainian government faces different kinds of challenges in dealing with the republic's national minorities. Russians, Jews and Crimean Tatars illustrate different aspects of the complex web of relations that exist among the central government, the republic government, democratic opposition groups and the national minority groups themselves.

Russians

Some members of minorities, especially Russians, feel threatened by efforts among Ukrainians to reassert their culture, and the 1989 Ukrainian Supreme Soviet decree designating Ukrainian as the state language of the republic magnified their fears. As a result, the pro-independence democratic opposition appears to have taken a judicious approach toward implementation of Ukraine's language law so as not to alienate the Russian minority and Russian-speaking Ukrainians. As a practical matter, because the Russian language is the main medium of communication in the Soviet Union, Russians in Ukraine have ample opportunities to read Russian-language publications, attend Russian cultural events, send their children to Russian-language schools and listen to Russian radio broadcasts. Similar opportunities have not existed for members of other nationalities living in the Russian republic.

Concern among a relatively small number of Russians over Ukraine's language law and Ukrainian moves towards sovereignty has led to secessionist threats in Crimea and in the southern and eastern oblasts of Ukraine. In these areas of Ukraine, the population is ethnically mixed and, more significantly, the Communist Party apparatus remains entrenched.

Since fall 1990, the Russified southern oblasts of Ukraine have become "a base where the Communist Party teamed up with Russian nationalist groups to attempt the launch of a so-called Internationalist Front, already a feature of the political landscape in the Baltic republics."[11] Attempts are being made to resurrect "Novorossiya" (New Russia) in southern Ukraine, an appellation used in the Tsarist empire characterizing an area heavily settled by Russians in the 19th century. A Novorossiya Committee is promoting the formation of an autonomous republic composed of the southern oblasts of Odessa, Nikolayev and Kherson, with Odessa as its capital. Efforts in November 1990 by Communist Party members and a few academics at Donetsk University to begin a secessionist movement in several linguistically and culturally Russified eastern Ukrainian oblasts have to date received little support from the populace, especially from the politically influential miners.

Despite these movements, according to a sociological survey taken in fall 1990, 48 percent of Russians in Ukraine backed independence for Ukraine and 38 percent declared themselves against it.[12] Significantly, Russians and other minorities living in Ukraine voted affirmatively to a supplementary republic-wide question to the March 17, 1991 all-Union referendum on the future of the USSR. This question, which asked voters if they wanted to be a part of a Union of Sovereign States on the basis of Ukraine's far-reaching sovereignty declaration, was supported by 80 percent of those voting, including a majority of ethnic Russians. Chairman of the Ukrainian Supreme Soviet International Affairs Commission and Rukh member Dmytro Pavlychko, hailing support by Ukraine's Russian minority for Ukrainian sovereignty, has remarked that this minority could no longer be counted on by Moscow as a bastion of support for a union on Moscow's terms.

Jews

Ukraine's Jewish minority is experiencing a cultural revival in Ukraine for the first time in decades. At the same time, many of its members are emigrating--almost 60,000 in 1990--due to the loosening of emigration restrictions, political and economic instability, the poor state of the environment, and fears of anti-Semitism.

Rukh and the democratic opposition have been active in establishing a climate of support for the dwindling Jewish community in Ukraine, and have condemned anti-Semitism. "Rukh's support has helped a revival of Jewish culture in the Ukraine seen in a burst of new organizations and the reopening of centers that had been closed down under former Soviet leaders Joseph Stalin and Leonid I. Brezhnev. Within the last 3 years, Kiev has become home to two Jewish newspapers, a Jewish library, theater, dance troupe, choir, an Israeli video library and a school that offers instruction in Hebrew."[13] In Lviv, Rivne, Odessa and many other cities in Ukraine, Jewish cultural organizations have sprung up. According to Jewish activist Oleksander Burakovsky, co-chairman of the Shalom Aleichem Cultural and Education Society in Kiev and vice-chairman of Rukh's Council of Nationalities: "'The only way Jews and other minority groups in the Ukraine will be guaranteed safety is if Rukh achieves its goal of independence.'"[14]

Despite their improved circumstances and good relations with Rukh, some Jews fear that the movement and other democratic opposition groups may not be strong enough to counter the conservative Communist apparatus, which is widely believed to be behind pogrom rumors in 1990 aimed at discrediting the democratic opposition.

Crimean Tatars

The plight of the Crimean Tatars illustrates the often complicated ethnic picture within the Soviet Union. Never a formal part of Ukraine, Crimea, an autonomous republic within the Russian Federation, was ceded to Ukraine in 1954 "as a token of friendship of the Russian people." Nearly 200,000 Crimean Tatars were brutally expelled from Crimea in 1944 by Stalin, who falsely accused them of collaborating with the Nazis. After years of unsuccessfully petitioning to return, they were permitted in 1989 to resettle in their homeland, and now account for more than 135,000 of Crimea's 2.5 million residents. The return of the Tatars has aggravated tensions with the local Slavs, especially over housing. In 1991, Crimean Tatar activists in the Crimean city of Simferopil conducted several hunger strikes to protest local authorities' inaction on behalf of returning Crimean Tatars and to demand their resignation.

In a controversial referendum in January 1991, an overwhelming majority of the Crimean populace approved a proposal to reestablish a Crimean Autonomous Soviet Socialist Republic. The referendum was instigated by local Communist Party authorities who played upon fears of "Ukrainianization" among the Russian majority, despite the fact that Ukrainian cultural life is virtually non-existent on the heavily Russified peninsula. A leading analyst concluded: "It is no secret that the ultimate goal of many, if not most, of the (Crimean) oblast authorities behind the bid for autonomy is to rejoin Russia."[15]

The Organization of the Crimean Tatar Movement, led by Mustafa Dzhemilev, opposed the January 1991 referendum. Rukh, which has been highly sympathetic to Crimean Tatar aspirations, called for an autonomous Crimean republic within an independent Ukraine, a proposal supported by the Crimean Tatar movement. Ukrainian Supreme Soviet Chairman Leonid Kravchuk, while not encouraging Crimea's secession, "opened the door to a federal structure for Ukraine by stating that there was no doubt in his mind that Crimea should again have autonomous republic status."[16]

Conclusion

Despite the improvements that have been made, problems remain in realizing the development of both minority and the Ukrainian culture in Ukraine. These problems are primarily due to the political climate, where the center is a potent, albeit diminishing, force; the strong residual effects of decades and even centuries of Russification; and the dismal economic situation in which there are minimal resources with which to ensure the full development of minority cultures. Politically, both the Ukrainian parliament and the democratic opposition, to varying degrees, have recognized the importance of national minorities in Ukraine and have included language in the July 1990 Declaration on Sovereignty and political platforms which recognizes the rights and the role of minorities. The Ukrainian parliament is now in the process of elaborating laws that would implement the development of minority cultures.

At the same time, republics are beginning to cooperate with respect to this crucial issue. In early June, 1991, commissions from 10 republics--3 Baltic states and three Slavic republics along with Moldavia, Kazakhstan, Armenia and Georgia held a 3 day conference in Kiev on minority rights. "The final communique stated that the defense of those rights is the responsibility of sovereign states, and called for greater legal protection."[17]

The center's track record with respect to minorities has been clearly inadequate. The Ukrainian government and democratic movement at least show greater sensitivity to the issue and willingness to address minority concerns. Ultimately, however, the situation of national minorities in Ukraine will depend on the outcome of the political struggle between the center and the republics. Based on developments to date, there is good reason to believe that a democratic sovereign Ukraine will address the concerns of national minorities more equitably than the highly centralized Soviet state.

Endnotes

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13. Demkowych, Christine. *Some Jews Forgo Israel's Promise and Elect to Stay in Ukraine*, LOS ANGELES TIMES. March 5, 1991, p. A5.

14. *Id*.

15. Mihalisko, Kathleen, *The Other Side of Separatism: Crimea Vote for Autonomy*, REPORT ON THE USSR, February 1, 1991, p. 37. According to Mihalisko, the referendum did not have any basis in Soviet law. The Ukrainian republic did not have a law on referendums, and the relevant all-Union legislation specifically rules out the use of referendums to change the status or borders of a territory.

16. *Id*, p. 38.

17. Mihalisko, Kathy, *Conference on National Minorities Ends in Kiev*, RADIO FREE EUROPE/RADIO LIBERTY DAILY REPORT, No. 107, June 7, 1991, p. 7.

Russians in Estonia

From the Soviet annexation and occupation of Estonia until 1988, the Russian minority in Estonia enjoyed a favored position vis-a-vis Estonians, whose culture and language were long suppressed. The re-assertion of Estonian sovereignty in the last 3 years and Estonia's moves toward independence have elicited a strong response from Russians who voice fears of becoming second-class citizens. Charging Estonian authorities with discriminating against them and violating their human rights, they have created anti-independence, pro-Soviet organizations, with membership largely drawn from managers and workers in enterprises subordinated to All-Union ministries in Moscow. The political leadership of the heavily Russian-populated northeast section of Estonia has also threatened to dismember the country by creating an autonomous republic. Nevertheless, not all Russians share these views: about 20 percent of the non-Estonian population in the republic, most of which is Russian, voted for Estonian independence in a March 3, 1991 referendum.

Estonia has passed a law protecting the rights of national minorities and has signed an agreement with the RSFSR containing similar general guarantees. The Estonian authorities have delayed implementation of provisions of the republic's language law, about which some Russians had complained. The latest initiative in the "Russian policy" of Estonia's Prime Minister, which involves creating a free trade zone around the mostly Russian city of Narva, has been controversial, both among Russians and Estonians. Given the unstable political situation, Estonia's parliament has put off consideration of a law on citizenship, for fear of exacerbating existing tensions between Estonians and Russians.

From Moscow's perspective, the status of Russians in Estonia exemplifies the position of approximately 30 million Russians--who have always been the bulwark of the regime--living outside the Russian republic. The Russian-dominated leadership of the USSR has a special interest in them, both for reasons of national affinity and because they are often Moscow's best allies against non-Russian republic leaderships. This is especially true in the case of Estonia, which has declared a transition to independence, in the face of strong Soviet objections. The fate of Estonia's Russians will, therefore, depend not only on the policies of Estonia's leadership, but also on the outcome of Estonia's negotiations with Soviet authorities over independence--and on the attitudes and influence of Boris Yeltsin, newly elected president of the Russian republic.

Demography

The 1989 All-Union census listed the population of Estonia as 1,565,700, with Russians numbering around 475,000, or over 30 percent of the total. Russians have lived in Estonia since the land became part of the Russian Empire in 1721 (although the ruling classes were Swedish and German). The breakup of the empire allowed Estonia to become an independent state between the two world wars, but Estonia was forcibly incorporated into the Soviet Union in 1940, and large-scale Russian immigration began immediately after World War II: "...at least 280,000 non-Estonians, fully a third of Estonia's 1945 population, migrated into Estonia between 1945 and 1959 and remained."[1] As a result of this influx, Estonians today comprise about 61 percent of the population in their own republic; in 1934, by telling contrast, the figure was 88.2 percent.

About 92 percent of all Estonia's Russians, who constitute the republic's largest minority group, are urban residents. Most of them live in and around the three northeastern cities of Narva, Kohtla-Jarve, and Sillamaae. Approximately half of the population in the capital city of Tallinn (480,000) is ethnic Russian or Russophonic. The seaport of Parnu also contains a significant Russian population, as does the southeast area where Estonia, Latvia, and the Russian republic meet. There are also pockets of ethnic Russians in the east central area of Estonia around Lake Chud, descendants of Old Believers exiled by the tsars.

Factors Behind Russian In-Migration to Estonia

The Russian presence in Estonia has been occasioned by several factors. The first is the purposeful introduction by Stalin and subsequent Soviet leaders of Russians and other non-Estonians into the republic to work in heavy industry, oil-shale mining, shipyards, etc. Most of these industries are directly subordinate to All-Union ministries in Moscow (some 90 percent of Estonia's largest industry is under All-Union control), which adds to the detachment of workers and management from their Estonian surroundings. The high-paying jobs in these enterprises tend to attract a transient population that moves in and out of the republic without establishing a meaningful attachment to it or learning its language. According to Dmitri Mikhailov, chairman of the Russian Cultural Society in Estonia, about 100,000 Russians out of the 475,000 living in Estonia consider Estonia their permanent home.[2]

In addition to workers, numerous Soviet army and navy personnel (estimates have ranged as high as 100,000) are deployed throughout the country on approximately 90,000 hectares of Estonian territory (one hectare=10,000 square meters). There are also retired Soviet military officers, most of whom are Russians, drawn to Estonia by its physical attractiveness and European flavor, as well as its relative abundance of consumer products. It is worth noting that the police and KGB in Estonia have historically been heavily staffed by ethnic Russians.[3]

Estonian-Russian Relations

The forcible Soviet occupation of Estonia, which most Western governments have never recognized and which Estonians resisted with arms into the 1950's, has, naturally, colored all aspects of Estonian-Russian relations. Estonians see their country as illegally occupied by a giant neighbor that killed and deported thousands, ruined the environment and the economy (which, Estonians often point out, approximated Finland's level of development in 1940), and flooded the country with colonists, threatening the very viability of the numerically small Estonian nation.

A powerful specific irritant in the relationship has been the unwillingness of most Russians in Estonia to learn the Estonian language, against the backdrop of officially-sponsored decades of Russification. The present Estonian government has claimed that a series of secret instructions were promulgated by the previous Estonian government and Communist Party to promote Russian language and culture to the detriment of Estonian language and culture.[4] According to the 1989 census, and reported in the Estonian newspaper *Rahva Haal*, only 13.7 percent of the Russians in Estonia are fluent in the Estonian language.[5] Until recently, there were many positions for which a job applicant could get along in Russian without speaking Estonian.

Hand in hand with decades of Russification have gone efforts to extirpate reminders of Estonian independence. One memorable example is the 1946 demolition of a memorial in the city of Parnu to Estonian soldiers who had died in the 1919-1920 War of Independence. The graves around the memorial were quietly destroyed 20 years later.

Russians who move to Estonia, often to work in military-industrial enterprises under central jurisdiction, receive preferential treatment in housing, since enterprises have their own apartment buildings. This is a sensitive matter in a society where decent housing is in critically short supply and those lacking influence or connections must rely on long waiting lists. Russians have enjoyed similar privileges with respect to cars and other deficit consumer goods.

An important, if less tangible and quantifiable, aggravating factor in Estonian-Russian relations are the differences in psychological outlook between the two peoples. Many observers have pointed out that ethnic Russians, especially after 70 years of Soviet indoctrination, tend to regard personal initiative and the wealth thereby obtained with suspicion. Many Estonians, by contrast, have managed to retain the rigorous work ethic of their ancestors, and tend to be disdainful of Russian work habits.

As a result of all the above-mentioned factors, Estonian-Russian relations have been tense. While there have been no headline stories about violence between them (not including the recent attacks by Soviet Internal Affairs forces on Estonian customs posts), conflicts between Russians and Estonians, particularly among youth, continued to be reported throughout the 1980's.

The Estonian Popular Front (EPF)

In mid-1988, a popular front arose in Estonia that soon inspired similar organizations in Latvia, Lithuania and virtually throughout the Soviet Union. Its membership united reform-minded communists and non-communists and its programs sought to counter the denationalization of the republic, enhance its freedom of maneuver vis-a-vis Moscow, introduce economic autonomy, and safeguard the environment. EPF pressure on Estonia's communist leadership--in which ethnic Estonians occupied public positions and Russians held the most powerful ones--to implement these goals resulted, among other things, in the restoration of the state symbols of interwar, independent Estonia. By November 1988, the popular front had acquired enough influence to convince Estonia's communist-dominated Supreme Soviet to declare "sovereignty" and the primacy of Estonian over Soviet legislation. Though the EPF's initial platform stressed sovereignty as opposed to outright independence, by the March 1990 elections to Estonia's parliament, the popular front--like virtually all Estonian political parties that arose--had declared the full restoration of Estonia's statehood as its ultimate goal.

Russian Perceptions and Grievances

The rise of the popular front and its impact on Estonian politics, as well as its assertiveness in promoting the Estonian language and ethnic consciousness, challenged the long-established perceptions and status of Russians in Estonia. Probably never before in Baltic history had resident Russians felt so threatened; many Russians in Estonia, particularly of the older generation, had spent all their lives speaking Russian in a land they took for granted as part of the USSR. Believing that they or their fathers had saved Estonia from fascism, such Russians tended to see Estonians as ungrateful and the legislative manifestations of that "ingratitude" they saw as discrimination.

Among such discriminatory actions they singled out the January 1989 passage of Estonia's language law, which made Estonian the official language of the republic and stipulated that government employees must be competent in Estonian within 4 years, i.e., by 1993.[6] Russians argued that implementation of the language law would cost many non-Estonians their jobs and generally limit their economic possibilities. Some Russians regarded the very passage of the law as a violation of their human rights; others, ingenuously or not, charged that there were not enough teachers to teach Estonian in the Russian-language schools. Russians also complained about the lack of a Russian-language institute of higher learning in Estonia, while there are six Estonian-language institutes.

Another legislative act that elicited protests of discrimination from the Russian population was Estonia's August 1989 election law, which set residency requirements for voting in local elections scheduled for December 1989. The law's original draft restricted voting eligibility to individuals who had lived for 2 years at their voting residence or for a total of 5 years in Estonia. After a series of strikes by Russian factory workers and a sharp condemnation of the draft by the USSR Supreme Soviet, residence requirements for voting were dropped from the law, but were retained for running for office. Forces associated with the mostly-Russian United Council of Labor Collectives and InterFront (see below) boycotted the December elections, arguing that any residence restrictions in the electoral law violated their rights.

Russians have also complained about what they see as Estonian disrespect for the Soviet army and its personnel. Aspects of this issue range from charges that memorials to Soviet troops who died during World War II have been vandalized to the denial of residence permits to family members of Soviet soldiers stationed in Estonia, which, in turn, limits their options in finding housing and employment, and, with the introduction of ration cards for food, purchasing basic necessities.

Apart from legislative acts and regulations that many Russians saw as discriminatory, some Russians--even those sympathetic to Estonian independence--have reported a rising anti-Russian attitude among Estonians, with Estonian school teachers allegedly telling their students that "we'll all have apartments after we kick the Russians out."[7] Even during the late Brezhnev and Andropov years, almost every Russian resident could tell the tale of the Estonian storekeeper pretending not to understand Russian and refusing to serve the hapless non-Estonian speaker.

Political Response by Estonia's Russians

In 1988, as a counterweight to the rise of the Estonian Popular Front, Russians and members of other non-Estonian ethnic groups formed organizations purportedly to protect their human and (USSR) constitutional rights. The two best known and most active such organizations are InterFront and the United Council of Labor Collectives (OSTK), which draw supporters from workers and managers of mostly military-industrial enterprises under All-Union control. Claiming to speak for the overwhelming majority of Russians in Estonia, InterFront, OSTK and their allies have tried to halt Estonia's drive towards independence.

The methods employed by these anti-independence Russians, who present themselves as human rights activists and couch their protests and appeals in corresponding language, have ranged from calling for strikes (with varying degrees of success) to participating in lawmaking. In the March 1990 elections to Estonia's Supreme Soviet, which led to the end of communist rule in the republic, these forces coalesced into the "Committee in Defense of Soviet Power and Civil Rights" and ran candidates on a common program, which stressed that Estonia must remain part of the "renewed" Soviet federation, in which Soviet laws take precedence over Estonian laws. Their candidates, along with the four seats allotted to representatives of the Soviet military in Estonia, won 27 seats in the 105-seat legislature, giving anti-independence forces a fairly solid bloc of deputies, though not the one-third required to block constitutional amendments.[8] Many of these deputies then formed an "Equal Rights" faction in the legislature.

The newly elected Estonian legislature on March 30, 1990 declared the beginning of a transition period to independence, and suspended the validity of the Soviet constitution in Estonia. In May, some 170 mostly Russian elected officials on the republic and local levels formed an "Interregional Council of People's Deputies and Workers of the USSR" and pledged to obey Moscow's constitution and legislation instead of Tallinn's.[9]

Their supporters also stormed the Estonian parliament, demanding the retraction of the Estonian declaration of transition to independence, and urging Mikhail Gorbachev to introduce direct presidential rule in Estonia. On April 3-4, the city councils of Narva, Kohtla-Jarve and Sillamae voted to ignore the suspension of the Soviet constitution declared by Estonia's parliament.

The leaders of the northeast Russian-populated area have also threatened to form an autonomous Soviet republic or seek affiliation with the RSFSR. They have yet to make good on this threat (unlike, for example, the Russians who have declared a Trans-Dniester republic in Moldova), but Estonians are painfully aware that the concentration of non-Estonian, anti-independence forces in compact areas poses a grave danger of dismemberment to an already tiny republic.

The Estonian Response

Many Estonians believe that InterFront, OSTK and related organizations were created by the KGB and the Soviet military-industrial complex to pressure Estonia and prevent it from regaining independence by threatening strikes, instability and dismemberment of the republic, while tarring it as ethnically intolerant. Nevertheless, Estonia's leadership cannot fail to respond to Russian concerns, even if it assumes that a certain percentage of Russians favors remaining in the USSR under any circumstances and would not respond to any Estonian initiatives to protect their rights.

In December 1989, Estonia's legislature passed a law on ethnic rights. Proclaiming that only the right of the Estonian nation to self-determination and its own ethnic territory can guarantee the ethnic rights of all, the law guarantees citizens equal political, economic and social rights and freedoms. Other provisions, *inter alia*, assure Estonians and Russians the right to obtain education in their native language, promise that ethnic cultural organizations--which are to receive material assistance from the state and have legislative initiative--can create educational institutions at their own expense, and obligate the state to protect the cultural monuments of all peoples.[10]

In January 1991, Estonia's parliament postponed implementation of a section of the language law. The provisions in question were scheduled to take effect in February 1991 and would have made Estonian-Russian bilingualism mandatory for sales and service personnel throughout Estonia.[11] Estonian authorities have also taken other steps on the linguistic-educational front to redress Russian grievances. Estonia's Minister of Education has conceded that there is a shortage of Estonian teachers for Russian-language high schools. *Rahve Haal* reported in June 1991 that the Estonian government plans to open a "higher school" (i.e., college-level) in Narva in the fall of 1991 to train teachers for the Russian language schools in Estonia. Courses will include "Estonian-related subjects," such as language and culture. Similar institutes are planned for two other cities.[12]

On the other hand, in an effort to curb migration of non-Estonians into the country, the Estonian Supreme Soviet passed an immigration law in June 1990 that limits immigration to 1 percent of the republic's population. Another provision designated certain areas for immigrants, away from urban centers where non-Estonians are already concentrated. Russian deputies boycotted the vote on this law, which, in any case, remains unenforceable, because citizenship requirements have not yet been established and Estonia's authorities, in the absence of immigration and customs facilities recognized by the Soviet government, are not in a position to keep people out of the republic.

The failure of Estonia's parliament thus far to pass a law on citizenship reflects the fear among legislators of exacerbating already tense relations with the Russian minority. On the one hand, Estonia faces sobering demographic trends: the 1989 Soviet census revealed that the Estonian population increased by only 0.7 percent over the preceding 10 years, the lowest increase for any titular republic nationality, whereas Russians increased throughout the Soviet Union by 5.6 percent.[13] If citizenship were given to all those who migrated to Estonia since World War II, Estonians might eventually be swamped in their own republic. On the other hand, not making citizenship an option to these mostly Russian immigrants risks alienating them even further and lending substance to their charges of Estonian discrimination.

"Duelling Referendums" in Estonia -- March 3 and 17, 1991

The steps taken by Estonian authorities, plus the awareness among Russians of economic decline in the USSR and, possibly, concern about the Soviet use of force in Lithuania and Latvia in January 1991, appear to have influenced Russian attitudes. On March 3, 1991, Estonia held a referendum on independence, to counter Mikhail Gorbachev's March 17 All-Union referendum on maintaining the USSR as a "renewed federation." Helsinki Commission staff, at the invitation of Estonia's parliament and government, monitored the referendum.[14] Over 140 international observers declared their approval of the voting procedures, in which participants answered the question "Do you want the restoration of the state sovereignty and independence of Estonia?"

Of the 83 percent of eligible voters who participated, 78.6 percent voted for independence and about 20 percent voted against. Most interesting and important were the results in urban areas, where the vast majority of Russians live: 65 percent of voters voiced their approval of Estonian independence, indicating that a significant fraction of the Russian population backed Estonia's independence. Their surprisingly high affirmative vote undercut efforts both by local anti-independence activists and the Soviet leadership to portray communal friction and anti-independence sentiment in the Baltic states as primarily ethnic, as opposed to political, in origin. Nevertheless, local councils in the heavily Russian northeast regions held their own referendum asking voters whether they supported a "renewed Estonia within the Union." This referendum passed by a large margin.

Estonia's government did not participate in the March 17 Soviet referendum, so voting took place on military bases, in All-Union industrial enterprises and other facilities controlled by pro-Soviet elements in the republic. Official Soviet sources claimed that some 250,000 people voted to retain the "renewed federation," but there were many reports of irregularities in the voting, including, for example, instances of people voting many times and charges that residents of Leningrad oblast were bused to Narva to vote.[15]

Moscow's Perspective

From the viewpoint of the Soviet leadership, Russians in Estonia are not merely another anxious national minority in a republic asserting its sovereignty and national identity. Rather, they exemplify the situation of some 30 million Russians living outside the Russian republic and scattered throughout the Baltic states and the Soviet republics.[16] These Russians have always served as the bulwark of the regime and a Russian-dominated Kremlin that wants to maintain the territorial integrity of the USSR and CPSU dominance can ill afford to alienate them or appear willing to "abandon them" to the alleged national intolerance of Estonia's rebellious authorities.

Soviet-controlled media have consistently portrayed the tension in Estonian-Russian relations as an ethnic conflict caused by Estonian chauvinism, which is linked to, and sometimes called, "fascism." Soviet sources depict Russians in Estonia as a like-minded group of innocent victims of overbearing nationalism, and argue that the genuine human rights orientation of perestroika justifies and even demands central protection of this injured minority (and, by extension, others as well). Conservative Soviet newspapers, such as *Pravda* and *Krasnaya Zvezda*, frequently run articles about desecrations by Estonian vandals of memorials to Soviet soldiers who "liberated" Estonia from the Nazis, or alleged outrages perpetrated by Estonians against Russian citizens. By contrast, decades of outrages perpetrated against Estonians, their language and culture, reported at the time only in *samizdat*, rarely reached the eyes or ears of the non-Estonian population.

Moscow's support for anti-independence Russians in Estonia has not stopped at efforts to mold public opinion. Estonian government officials have reported that Mikhail Gorbachev, during an April 19, 1990 meeting with Estonian leaders, warned that they "could find themselves in trouble with the republic's non-Estonians" if independence preparations continue.[17] While Estonia's declaration of transition to independence did not evoke an overt economic boycott like that imposed on Lithuania, Soviet authorities have linked economic pressure on Estonia with implicit claims to represent and protect interests of Russians. A July 2, 1990 decree of the USSR Council of Ministers--purportedly responding to proposals by All-Union enterprises in Estonia--established a governmental association called "Integral" that included all the All-Union enterprises in Estonia except the railway. Other organizations could join "Integral," which is governed by a council and board, whose chairman is approved by the USSR Council of Ministers. As the Estonian government pointed out, "Integral," by uniting enterprises in an association "completely divorced from the economy, state authority, laws, financial system and even the budget of the Republic of Estonia...constitutes a parallel government for executing an openly colonial rule imposed by the central government in Moscow."[18]

Despite these efforts to pressure Estonia's authorities, the Soviet leadership does not appear to have publicly come out for or against on the threat by Russians in northeast Estonia to secede from the republic (as it has, for example, done with Lithuania, by threatening that an independent Lithuania would have to cede territory it gained upon entering the USSR).

The Narva Initiative

Facing intense pressure from Moscow--including physical assaults on persons and Estonian government property--Estonia's political leadership has come up with a novel idea for addressing minority concerns. The latest wrinkle in the "Russian policy" of Prime Minister Edgar Savisaar is a proposal to create a free economic zone that would be governed by Estonian laws and regulations in the region around the heavily Russian industrial city of Narva. The apparent motive behind the proposal is to signal a willingness to make economic and political concessions to the Russians: a free economic zone would attract foreign investment and raise living standards in the region and would, moreover, constitute a form of autonomy.

Savisaar's plan has been controversial among Estonians and Russians. Estonian opponents of the idea fear that such a zone would merely presage the secession of the northeast section of the republic. The intended (Russian) beneficiaries of the proposal have also expressed reservations. The Chairman of Narva's City Council complained that the zone should be able to expand, drawing in ever more enterprises (presumably implying that a free economic zone in Narva alone would not help Russians in Tallinn), whereas the Estonian government was trying to create a "fenced in territory that does not include power stations and agricultural zones...of the kind you can find in South Africa..."[19] The prospects of establishing a free economic zone in Narva, consequently, are unclear.

The Yeltsin Factor

The reawakening of Russian nationalism and the meteoric rise of a popular Russian politician, Boris Yeltsin, to channel and direct widespread aspirations for Russian sovereignty will have a direct impact on the status and prospects of Russians in Estonia. No longer is the Kremlin the sole arbiter of the USSR's political agenda or the only player in center-republic relations. Yeltsin's views on the future of the country, at least as propounded to date, differ from those of Mikhail Gorbachev and the Soviet leadership, especially on the Baltic issue.

Even before becoming chairman of the RSFSR Supreme Soviet, Yeltsin publicly declared his intention to establish direct relations between the Baltic States and Russia. As chairman, he helped undermine the economic blockade of Lithuania imposed by Gorbachev in the spring of 1990. In January 1991, he accepted an invitation from

Estonia's leaders to visit Tallinn at a very tense moment in Baltic-Soviet relations. While there, he condemned the use of force that took place in Lithuania and Latvia on January 13, urging Russian soldiers not to obey orders to fire on unarmed civilians. During meetings with U.S. Congressional leaders and the media in Washington in June 1990, Yeltsin confirmed that he "supported freedom for the Baltic peoples."

Yeltsin has publicly stressed his belief that republics that want to leave the USSR should not be prevented from doing so. Many of these republics contain sizable numbers of Russians, and he has mentioned occasionally that he would like them to return to Russia if they so desire. But facing pressure from constituents to defend Russians outside the RSFSR, and fearing the consequences of a possible mass influx of Russians from other republics, he has increasingly emphasized that the rights of Russians in non-Russian republics must be protected. Accordingly, the January 12, 1991 agreement between Russia and Estonia pledges both signatories to assure the rights of ethnic minorities. The RSFSR legislature has recently asked Estonia for an exchange of protocols to define more clearly this guarantee. Nevertheless, Yeltsin has consistently rejected requests by Russians in republics for the RSFSR to pressure republic governments more blatantly or torpedo their independence drives.

As Russia's democratically elected president, Boris Yeltsin's importance in the triangular relations among Estonia, its Russian minority and some power center in Moscow has risen dramatically. He could, for instance, quash plans by some Russians in Estonia to unite with the RSFSR--an idea Yeltsin has opposed. As Russia gains ever more control of the instruments of power, Yeltsin could counter attempts by Gorbachev (or other Soviet bureaucracies) to use Russian minorities against non-Russian republics. His disinclination to "play the Russian card" in Estonia (and elsewhere) may, in turn, incline Russians there to rethink their stance and might even convince the most uncompromising opponents of Estonian independence to come to terms with new realities.

The Outlook

"Am I personally responsible for what two dictators did 50 years ago?" asked a Russian woman in Tallinn in 1989, who was asked to provide proof of residency when trying to buy children's socks.[20] Obviously not; but the political consequences of crimes perpetrated by Stalin and Hitler linger today, and will affect the personal lives of many people, including Russians in Estonia. Marju Lauristin, the deputy speaker of Estonia's Supreme Council, has said "The Russians will have to make their choice. Twenty-five percent have already said they want to stay when independence comes, and become legal citizens. Twenty percent are thinking of leaving, but most haven't made a choice."[21]

Before 1985, the relationship between Estonians and Russians was one of polarization, reflecting Moscow's repressive policies and Russification, and Estonian determination not to succumb to either an occupying state or its alien culture. Today, with Estonia resolutely headed for independence, members of the Russian minority have basically three options: they can adapt to the idea of living in an independent Estonia and try to participate in the republic's political process; they can leave (to Russia, the West, or by creating an "autonomous republic" of some kind); or they could stay and play an obstructionist role, relying on support from the "center."

A poll taken earlier in the year by the Estonian Market and Opinion Research Center indicated that only 12 percent of the minorities in Estonia would leave if Estonia gains its independence and that "half of them would go to the West rather than return to the Soviet Union."[22] On the other hand, in June 1991, about 4,000 people from Narva formed an organization called "Young Narva" to support Estonian independence. The group is led by a young man with the very Russian name of Sergei Alexandrov.[23]

For Russians with different views, the obstructionist option or the "autonomous republic" route remain viable as long as the Soviet leadership refuses to countenance Estonian independence or is determined to make it as difficult as possible. But their room for maneuver appears smaller today than it was before Boris Yeltsin's election as president of Russia.

Among legislators and political activists in Estonia, there are certainly individual Russians and Estonians who seek compromise and a *modus vivendi*. Such leaders recognize that while differences between Estonians and Russians are significant, they have been greatly exacerbated by the "divide and rule" policies of Moscow.[24] Estonian policies that affect the interests of the Russian minority will certainly influence the stance of many Russians, who realize that they, like the society around them, are living in a transition period.

A key factor in how the Russian minority in Estonia chooses to act will be the economic situation: continuing economic collapse in the USSR might incline Russians to view living in independent Estonia more favorably (although it is arguable how likely Estonia is to become independent if the deterioration of the Soviet economic continues). In any event, it may prove easier for Estonia's Russian minority to learn Estonian today than to cope in the Soviet Union tomorrow.

Endnotes

1. Riina Kionka, *Migration to and from Estonia*, REPORT ON THE USSR, p. 20, September 14, 1990.

2. Lya Pent, *With ethnic issue high on agenda, non-Estonians unite*, HOMELAND (ENGLISH LANGUAGE SUPPLEMENT TO ESTONIAN LANGUAGE KODUMAA), p. 1, No. 40 (249) October 4, 1989.

3. Walter C. Clemens, *Estonia, A Place to Watch*, p. 88, Fall 1988. The author relates that Russians claim Estonians rarely apply to join the KGB or police, since they all want to be artists and musicians.

4. *Report of the Organizational Committee of the International Seminar Human Rights and Estonia*, p. 18, Tallinn, February 11-13, 1991.

5. Riino Kionka, *A Russian in Estonia Speaks Frankly about Non-Estonians*, REPORT ON THE USSR, (citing Rahva Haal, September 19, 1989), September 28, 1990, p. 22.

6. The law also gave precedence to Estonian over Russian in a variety of small but symbolic ways: street signs in Russian may not be printed in letters larger than Estonian signs.

7. Related to CSCE staff member in Tallinn, March 2, 1991.

8. *See* Report on Estonia in Commission on Security and Cooperation in Europe, Elections in the Baltic States and Soviet Republics: A Compendium of Reports on Parliamentary Elections held in 1990, (Washington, D.C., December 1990).

9. Riina Kionka, *Economic Woes and Political Disputes*, REPORT ON THE USSR, Vol 3, No. 1. January 4, 1991.

10. Joint Publication Research Service, Soviet Union, Political Affairs, February 1, 1990, p. 29.

11. FBIS USR May 30, 1991, p. 10.

12. Riina Kionka, *New Higher Schools for Narva*, RFE/RL DAILY REPORT, No. 106 June 6, 1991, p. 2.

13. Ann Sheehy, *Ethnic Muslims Account for Half of Soviet Population Increase*, REPORT ON THE USSR, January 19, 1990, p. 17.

14. Commission on Security and Cooperation in Europe, Report on the Estonian Referendum and Latvian Public Opinion Poll on Independence, March 3, 1991, (Washington, D.C., March 15, 1991).

15. Commission on Security and Cooperation in Europe, *Referendum in the Soviet Union: A Compendium of Reports on the March 17, 1991 Referendum on the Future of the U.S.S.R.*, (Washington, D.C., April 1991), pp. 32-33.

16. The hardline, pro-Union Soyuz faction in the USSR Congress of People's Deputies refers to these 30 million people as "the sixteenth republic."

17. RFE/RL, This Week in the Baltic States, April 26, 1990. Georgian leaders have reported similar threats by Gorbachev with respect to minorities in Georgia. *See* article on Ossetians in Georgia.

18. The texts of both the USSR Council of Ministers decree establishing "Integral" and the response of the Estonian government were delivered by Estonian government officials to Helsinki Commission staff.

19. *See* FBIS Soviet Union Republic Affairs, June 7, 1991, pp. 16-23.

20. Esther Fein, Worry Grows for Russians in Estonia, *New York Times*, August 25, 1989.

21. FBIS SOV DR, Annex, June 7, 1991, p. 12.

22. Peter Maas, *Baltic Russians Accept Secession*, WASHINGTON POST, February 24, 1991.

23. RFE/RL DAILY REPORT, June 4, 1991.

24. The governor of one central Estonian province told Helsinki Commission staff that economic transactions between his region and the Russian-populated Narva area take precedence over ethnic/political considerations.

Poles in Lithuania

The conflict between Poles and Lithuania's leadership has not received much attention in the Western media. Nevertheless, there has been substantial tension between them. The focal point of the dispute has been a campaign launched by the Poles--about 8 percent of the population--in 1989 for the creation of autonomous national-territorial regions in those areas of Lithuania where they constitute a compact group. Lithuania's legislature, before and after the February 1990 elections that ended communist rule in Lithuania, has rejected these demands, fearing they could threaten the republic's dismemberment.

After an aggravation of tensions and mutual recriminations during much of 1990, the prospects in 1991 for amelioration of the situation appear to have improved. In late 1990, Lithuania's legislators took serious steps to address Polish concerns and representatives of the Polish community have responded in kind. Moreover, the violence perpetrated by Soviet Internal Affairs forces in Lithuania in January 1991 consolidated Lithuanian society and reportedly promoted better Polish-Lithuanian relations.

Still, much remains to be done by both sides to build up mutual trust and confidence--a task greatly complicated by anti-independence Communist Party supporters in Lithuania, with whom some Poles have formed alliances, and Moscow's continuing efforts to prevent Lithuania's independence.

History

Poles and Lithuanians have been more than neighbors; a dynastic union between their respective ruling houses at the end of the 14th century initiated an association that, in the 16th century became the Polish-Lithuanian Commonwealth, the largest state in Eastern Europe, stretching "from [Baltic] sea to [Black] sea." In the mid-17th century, however, the Commonwealth was attacked from all sides by powerful neighbors and after another century of political decline, was partitioned by Russia, Prussia and Austria. Most of Poland and Lithuania became part of the Russian Empire, regaining their independence as separate states after World War I.

Nineteenth-century Lithuanian society was largely agrarian, with Polish (and Jewish) elements predominating in the cities, and a highly Polonized Lithuanian elite. The Lithuanian national movement, led by intellectuals and artists, was virtually forced to distance itself from centuries of Polish influence, while Poles tended to see themselves as the "older brother," representing a more advanced culture. The tension thus generated was greatly inflamed by territorial arrangements following World War I: Poland and Lithuania fought over the capital city of Vilnius and surrounding regions, which ultimately wound up in Polish hands. Not until 1938 were diplomatic relations established between the two countries, when Lithuania acceded to a Polish ultimatum to normalize ties.

Lithuanian-Soviet relations between the wars were nominally better. In July 1920, Soviet Russia signed a treaty recognizing independent Lithuania and abandoned "for all time" sovereign rights over Lithuanian territory and its people. But Lithuania, along with Latvia and Estonia, was gobbled up by Josef Stalin in 1940, in the wake of the August 1939 Molotov-Ribbentrop Pact. After the Nazi invasion of the USSR, Lithuania remained under German occupation until 1944. During World War II, there was violence between Poles belonging to *Armja Krajowa* (Home Army) and Lithuanian authorities and police, mainly in the Vilnius region.

The postwar establishment of Soviet rule in Lithuania brought Vilnius under Lithuanian control but led to the killing or deportation of hundreds of thousands of Lithuanians; armed Lithuanian resistance to Sovietization lasted into the 1950's. Still, Lithuania did not experience the sort of immigration from regions of the USSR that took place in Latvia and Estonia; this, plus the murder or departure of many non-Lithuanians during and after World War II, has created a relatively homogeneous society in ethnic terms.

Demography and Socio-Economic Factors

Poles are west Slavs, Lithuanians are Balts. Their languages are unrelated. Both peoples are overwhelmingly Catholic.

According to the 1989 census, the population of Lithuania is 3,674,800. The approximately 20 percent of the population that is not ethnically Lithuanian includes some 260,000 Poles. They are concentrated in the regions of Vilnius and Salcininkai, as well as Trakai and Svencionys, and are mostly peasants and blue-collar workers. The native Polish intelligentsia had either been decimated by Stalinist repressions or emigrated to Poland after World War II.

Nevertheless, compared to the situation in Belorussia, Ukraine and other republics, Poles in Lithuania enjoyed certain advantages. Lithuania's communist authorities established some 250 Polish schools in the Vilnius region, as well as a republic-wide Polish-language newspaper and several district newspapers, and Polish radio and television programs.[1]

The Lithuanian National Movement

In 1988, there arose in Lithuania a broad-based popular front called *Sajudis* that united communists and non-communists in ostensible support of perestroika. Under pressure from this increasingly influential movement, Lithuania's communist-dominated Supreme Soviet passed a variety of laws promoting the national priorities of Lithuanians who seized the chance to express their national feelings and reaffirm their national traditions after 50 years of Sovietization and Russification. The most controversial such measure was the January 1989 language law, which made Lithuanian the state language and mandated the use of Lithuanian in official, business, educational and social spheres of life within 2 years.

The Polish Reaction

Sajudis's political success and its gradual turn towards an openly pro-independence stance evoked concern among Lithuania's Poles. Along with members of some other non-Lithuanian groups--by no means all, as many non-Lithuanians, including Poles, supported *Sajudis* goals--Poles began to organize in what they saw as self-defense against overbearing Lithuanian nationalism. In this period they often cooperated with *Yedinstvo* [Unity], Lithuania's counterpart to the primarily Russian Inter-Movements that arose in Estonia, Latvia and elsewhere, in demonstrating against the language law and alleged discrimination in other respects.

Polish Grievances and Demands

The Solidarity newspaper in Poland, *Gazeta Wyborcza*, in September 1989 published a letter from an unidentified Pole living in Lithuania. The writer complained that only 32 Poles, as compared to 200 Lithuanians, of every 1,000 have higher education; he claimed discrimination against Poles in admission to institutions of higher education, and charged that Polish regions get half as much funding as Lithuanian regions. The letter ended with the following plea: "You [Solidarity] accuse us of cooperating with the Russians and...want us to go shoulder to shoulder with the Lithuanians against Moscow....We too are ready...but on the condition that they understand and begin to grant our demands....Please try to understand our situation. We have to oscillate between Moscow and Vilnius.[2]

In September 1989, Helsinki Commission staff interviewed a spokesman of the Union of Poles in Lithuania. He echoed the above accusations about discrimination in funding and admission to institutions of higher education, adding that Lithuania's authorities deliberately moved Poles into low level, low-paid, unskilled labor. Alleging that opportunities for Poles to develop their national culture were restricted, he said Poles rejected the provision in Lithuania's language law requiring that all mass meetings be held in Lithuanian and demanded the right to use Polish at all educational levels. They also wanted constitutional guarantees for use of the Polish language, an institution of higher education that would train Polish-speaking cadres and admit a set proportion of Poles, and territorial autonomy and self-government. These demands and others (such as more air time on radio and television for Polish-language programs) were conveyed to Lithuania's Communist Party and government leaders.

The Lithuanian Perspective

Sajudis spokesmen explained to Commission staff that many Lithuanians saw Polish demands as part of a campaign to break off some part of Lithuania. They expressed the readiness to guarantee Polish national rights but rejected any possibility of regional autonomy. One *Sajudis* spokesman said that Lithuanians, seeing the impending breakup of the Soviet empire, feared a repetition of their interwar experience, when Vilnius was Polish territory.

Some *Sajudis* representatives conceded that the Polish issue might have been handled more diplomatically. One *Sajudis* leader acknowledged that some historic Polish buildings and monuments had been destroyed and Polish plaques and inscriptions removed.[3] Nevertheless, *Sajudis* denied Polish charges of discrimination and claimed a favorable attitude towards Polish national culture, pointing to those Poles who supported the Lithuanian national movement as evidence of Polish appreciation of good Lithuanian intentions.

Some *Sajudis* representatives also asserted that Moscow had inflamed and exploited Polish grievances to undermine the Lithuanian national movement. *Sajudis* leader--today chairman of Lithuania's Supreme Council--Vytautas Landsbergis charged that "Moscow is trying to weaken us by sowing internal discord....The program for 'carving up' Lithuania into autonomous districts did not originate here. Georgians, Latvians and Estonians encounter similar sorts of threats....This is how Moscow wants to stop the republics from gaining independence."[4]

The Struggle Over Polish Territorial Autonomy

After the passage of Lithuania's language law, some rural soviets in regions of Lithuania heavily populated by Poles passed resolutions proclaiming themselves autonomous. In February 1989, Radio Vilnius reported that the district soviet in the Rukainiai settlement of Vilnius region had declared itself a "Polish National Administrative District," not bound by Lithuania's language law. Subsequently, the Lithuanian Supreme Soviet appealed to Poles at various times, expressing support for their cultural-national rebirth but warning against such actions.[5] As tensions mounted, however, in 1989 between Lithuanians and Poles, pressures grew among the latter to create distinct administrative districts. In September 1989, the soviets of Vilnius and Salcininkai regions declared themselves Polish national territorial regions.

Two weeks later, the Lithuanian Supreme Soviet declared the decision unconstitutional and invalid, saying that Lithuania was indivisible and that the constitution did not provide for any other administrative units within the Lithuanian SSR. At the same time, the chairman of the legislature's presidium promised that no ethnic minorities would encounter any obstacles in using their native language. He also pointed to one step the Lithuanian side might take to allay Polish concerns, namely, passing different regulations and deadlines for the introduction of the state language in certain areas.[6]

The February 1990 Elections to Lithuania's Legislature

Communist rule in Lithuania ended in February 1990, when candidates representing *Sajudis* in parliamentary elections won majority control of the Supreme Soviet (afterwards renamed the Supreme Council). There were 30 Polish candidates in the elections, of whom 10 won seats as deputies in the Lithuanian Supreme Council.

These Polish deputies do not all espouse the same political line. Some, while loudly complaining of discrimination against Poles and the unwillingness of Lithuanian authorities to address Polish concerns, have nevertheless voiced support for Lithuanian objectives, assuming that Polish aspirations were satisfied. Others, especially those with close ties to regional Communist Party organizations in southeast Lithuania, have taken a pro-Moscow stance, arguing that Polish minority rights can best be assured in a "renewed USSR," rather than in an independent Lithuania. Such deputies are closely allied with lower-level deputies in Salcininkai, Vilnius and Svencionys, where local elections resulted in soviets dominated by deputies allied with the CPSU.[7]

Lithuania's Declaration of Independence

Lithuania's March 11, 1990 declaration restoring the independent existence of the Republic of Lithuania touched upon, if indirectly, the Polish issue. The declaration guaranteed all human rights for its citizens and national groups; but it recognized the principle of inviolability of borders as formulated in the Helsinki Final Act and proclaimed that "the territory of Lithuania is whole and inviolable, within whose borders no other constitution can function."

On March 12, 1990, Lithuanian Radio doubled the amount of broadcasting in Polish, and on April 1, the Supreme Council ordered the replacement of broadcasts of Leningrad television in Vilnius with the First Program of Polish television.[8] The Poles, for their part, continued their campaign for territorial autonomy. In May 1990, TASS reported that the Salcininkai soviet had decided to recognize only the validity of the constitutions and laws of the USSR and the Lithuanian SSR (as opposed to the constitutions and laws of independent Lithuania).[9] On June 1, a congress of deputies to soviets in the Vilnius region met in Salcininkai and passed a resolution on the need to create a unified "national territorial-administrative unit" on the basis of Polish-populated areas, which would be part of the "renewed Soviet federation."[10] The deputies elected a coordinating council to draft documents on creating such an autonomous national-territorial unit.

On October 2, 1990, Lithuanian officials announced that the Supreme Council's Commission on the Affairs of East Lithuania was preparing measures to protect the interests of Poles. These included postponing the deadline for implementation of Lithuania's language law, guarantees for the use of Polish and other languages in east Lithuania, and socio-economic incentives.[11] Nevertheless, on October 6, another congress of Polish deputies from Salcininkai, Vilnius, Trakai and Svencionys meeting in Eisiskis proclaimed the formation of a Polish National Territorial District within Lithuania (not the USSR), encompassing territory of five southeastern regions.[12]

Recent Developments

A representative of the Polish community in Vilnius told Helsinki Commission staff in March 1991 that matters had improved substantially. At the end of 1990, he reported, the Lithuanian authorities had taken a number of steps to address Polish concerns.

Acting on recommendations of the Supreme Council's Commission on Affairs of East Lithuania, the Lithuanian parliament on November 25, 1990 delayed the full implementation of the language law until January 1995 in cities and regions where non-Lithuanian speakers comprised the majority of the population. The parliament also ordered accelerated and improved programs for the teaching of Lithuanian to non-Lithuanians.[13]

On January 29, 1991, the Supreme Council went farther: it amended Lithuania's November 1989 law on ethnic minorities to permit equal use of minority languages in local administration and to allow signs (such as in stores) in these areas to be in minority languages. The amendments also obligated the state to aid cultural organizations of ethnic minorities and guaranteed the right to education in their native languages from pre-school through secondary school, with provision for training teachers and other specialists for minorities at institutions of higher education. Another decree on January 29 charged the government with working out by May 1, 1991 a program for higher education for ethnic minorities and to begin implementation in 1991.

The Supreme Council also acted on Polish demands for territorial autonomy. In December 1990, Romualdas Ozolas, the chairman of the Commission on Affairs of East Lithuania, had announced that a special working group was considering the possibility of autonomous status for the Poles and would submit recommendations to parliament.[14] On the basis of these recommendations, the Supreme Council in January 1991 instructed the government to prepare a draft plan by May 31, 1991 of Lithuania's administrative-territorial structure in which Salcininkai and Vilnius regions "would possibly constitute the Vilnius territorial district." The legal status of the district was to be drafted by the same date, along with a program to address the socio-economic needs of the region.

The Soviet Referendum and Lithuania's Preemptive "Counter-referendum"

In December 1990, Mikhail Gorbachev called for a countrywide referendum on maintaining the USSR as a "renewed" federal state. Many saw his initiative as an attempt to block independence drives in the Baltic States and elsewhere and to undercut republic legislatures that had refused to sign his draft Union Treaty by appealing over their heads to the population at large. Lithuania's parliament led the way in countering this strategy by holding a preemptive "counter-referendum" in the form of a "public opinion poll" on Lithuanian independence.[15]

As Gorbachev's referendum was scheduled for March 17, 1991, Lithuania's public opinion poll was set for February 9. The steps taken by Lithuania's legislature in November and January, and, according to Polish spokesmen, the killings of civilians in Vilnius in January 1991 by Soviet Internal Affairs forces, moved leaders of the Polish community to cast their lot with Lithuania. To be sure, there were reservations and openly expressed political calculations. The president of the Union of Poles in Lithuania observed that if Poles failed actively to support Lithuania on February 9, their bargaining position in future negotiations with Vilnius would be weakened. The leader of the Polish faction in Lithuania's parliament felt constrained to reassure Poles that Lithuania's authorities would not deceive them by backtracking on the agreements reached.[16]

At a joint meeting between members of the Polish parliamentary faction and representatives of the Union of Poles, the leader of the faction stated that after the decisions made in late January, some "fundamental problems had been resolved." The Coordinating Council of the Polish National-Territorial Region and the Union of Poles appealed to their constituents to vote Yes on February 9 to the question: "Do you want Lithuania to be an independent democratic republic?"[17]

It is difficult to judge how the Polish community voted in a secret ballot, but the results were disappointing to Polish deputies who had called for a heavy turnout and an affirmative vote. In the Vilnius region, only about 43 percent of voters took part, of whom about 56 percent voted for independence. Turnout was even lower in Salcininkai, where the corresponding figures were 25 and 53. A Polish deputy hypothesized that the low level of participation in Salcininkai testified to the continuing strong influence of the Communist Party *nomenklatura* in that largely rural region, where Poles might well have feared to take part.[18] Lithuania's parliament, responding to a request by Helsinki Commission staff for information about turnout in Polish regions, argued that the low turnout in eastern Lithuania was due largely to the unavialability there of information: by February 9, Lithuanian radio and television had been seized by Soviet forces, as had the publishing house where most Lithuanian newspapers had been printed.

The leader of the Polish parliamentary faction also argued that while representatives of the Polish community had developed a good working relationship with the highest levels of Lithuania's authorities, less had been accomplished on lower levels of the government and administrative structure to ensure the implementation of sound policy initiatives.[19] Spokesmen of the Union of Poles theorized that the results reflected 3 years of Polish-Lithuanian mistrust and tension, and the belief among many Poles that Vilnius had made concessions merely to win Polish backing on February 9. "When the conviction appears that a positive policy towards Poles is being waged, the results will certainly be different....a consistent policy towards the Polish minority will incline many who are vacillating today to loyalty towards the Republic of Lithuania."[20]

As for the March 17 Soviet referendum, Lithuania's government refused to have anything to do with it, so central Soviet bureaucracies aided local forces that wanted to participate. The Union of Poles and other Polish organizations decided not to participate, but the soviets of Vilnius and Salcininkai regions opted to hold the referendum. Nevertheless, Lithuanian parliament sources report that some local districts in these regions resisted efforts to organize the voting, and the Communist Party had to create its own electoral commissions that organized a fraudulent vote, unobserved by impartial monitors.[21]

According to the Lithuanian communist press, about 80 percent of eligible voters in the Salcininkai region took part, while in the Vilnius region, about 57 percent turned out, with virtually all the participants voting Yes on the preservation of a renewed USSR. Overall, official Soviet sources claimed that some 650,000 people in Lithuania voted to retain the Union.

There is good reason to doubt the accuracy of any of these figures. Helsinki Commission staff observed many and varied irregularities in the voting on March 17 in Latvia, which, like Lithuania, boycotted the referendum, and where voting was organized by the Soviet military and local pro-Moscow forces aided by central bureaucracies.[22] In Lithuania as well, there were many reports of chicanery. Still, some number of people in Lithuania did vote to preserve the "renewed federation," and it seems likely that among them were Poles. The results of the Lithuanian and Soviet referendums have led one observer to conclude that "despite the Vilnius government's recent concessions, ethnic Polish distrust of Lithuanians and the Vilnius government will not be easily overcome."[23]

Outstanding Issues

A spokesman of the Union of Poles told Helsinki Commission staff in March 1991 that while Lithuanian steps were very welcome and that "there is hope" for resolving divisive problems, Poles still had a number of unfulfilled desires. These included: a weekly service in Polish in the Vilnius Cathedral; the restoration of Polish cultural monuments; a Polish-language institution of higher education; equality in investment programs for socio-economic development; and the possibility of dual Polish-Lithuanian citizenship.

Some of these issues will presumably be easier to address than others. For instance, on May 22, 1991, Vytautas Landsbergis addressed a congress of deputies to soviets in the Vilnius region and announced that the Salcininkai region would receive an additional 8 million rubles for socio-economic development, and that an additional 5 million rubles had been set aside for the Vilnius region.[24] On May 30, Lithuania's minister of education and culture told reporters at the CSCE Meeting on Cultural Heritage in Krakow that Lithuania was considering establishing a collegium that might one day develop into a Polish university.[25] The Lithuanian Supreme Council also informed Helsinki Commission staff that Lithuanian church authorities had decided to permit Polish-language services in Vilnius Cathedral on special occasions; one such service took place in May 1991, to celebrate the 200th anniversary of Poland's May 3, 1791 constitution.

The question of dual citizenship, however, may be more problematic. On April 17, 1991, Lithuania's Supreme Council amended its November 1989 law on citizenship, abolishing the right of dual citizenship.[26] Landsbergis, discussing this matter during his May 22 meeting with Polish deputies, asked if they could imagine triple citizenship (Silesian, Polish and German) for people living in Silesia. He argued that the CSCE Copenhagen Document (1990), in addition to its provisions on safeguarding the rights of national minorities, embraces "the very important principle of civic loyalty towards the state" in both for majority and minority populations.[27]

Conclusions

"There is still a long road ahead of us" was the title of an article by the leader of the Polish parliamentary faction in the February 27, 1991 issue of *Kurier Wilenski*. Nevertheless, the prospects are better than before. After 3 years of wounded feelings on both sides, Lithuania's leadership and representatives of the Polish community appear closer to finding ways of meeting each other's concerns.

Another encouraging factor is the absence of violence thus far between the Lithuanian and Polish communities. Indeed, what bloodshed has occurred in Lithuania was caused by Soviet "Black Beret" forces in January 1991 in Vilnius. Among the victims were not only Lithuanians, and in the immediate aftermath of the killings, a public opinion poll indicated that some 66 percent of Poles backed Lithuanian independence.[28] Poles and Lithuanians also shared a common fate when Soviet Internal Affairs forces took over Lithuania's Publishing House: both Polish and Lithuanian newspapers and journals were ejected and forced to find other accommodations.

On the other hand, the rapprochement on the leadership level between Lithuanians and Poles may not necessarily reflect or determine the behavior of the Poles generally, especially in Salcininkai. Communist Party secretaries who remain resolutely opposed to Lithuanian independence still control local administration there and exert powerful influence over the largely rural Polish inhabitants of the region.

In fact, TASS reported on May 22 about resolutions passed by the Salcininkai region soviet on May 21 calling for the abolition of customs posts set up by Lithuanian authorities in the region, and the suspension of activities of Lithuania's self-defense units until the status of Soviet-Lithuanian relations is settled.[29] The soviet also proclaimed the continuing validity of Soviet laws in Salcininkai region, and called for the "abolition of all state institutions that have been set-up and are operating in accordance with Lithuania's laws." The same day, addressing the Supreme Council, Landsbergis called the resolution by the soviet, which he described as "being led by the CPSU," the "most crude provocation against the Lithuanian constitutional order and sovereignty," and declared it invalid.[30]

This link between local Communist Party leaders in Salcininkai and the CPSU raises a key issue: the Soviet authorities play an important role in the future of Lithuanian-Polish relations. As of late June 1991, Lithuanian border posts were still under occasional armed attack by individuals presumably subordinated to Soviet authorities, and Lithuania's central telephone and telegraph exchange was temporarily occupied by Soviet Internal Affairs forces.[31] With forces in the center obviously still determined to keep Lithuania from regaining its independence, all kinds of blandishments and provocations focused on Poles are possible. The threat to use the Polish minority to dismember Lithuania is a tack Moscow might well try. Vytautas Landsbergis charged in his May 22 address that "high functionaries of the CPSU were coming [to Lithuania] from Moscow...[and] urging the creation of some sort of separate little state, on the model of the Gagauz in Moldavia." Audrius Butkevicius, the general director of Lithuania's Defense Department, told Supreme Council deputies on May 16 that leaders of the Communist Party in Polish regions had received instructions from Moscow to create a Polish republic in Lithuania.[32]

An important determinant of Polish perceptions will be the form of autonomy Lithuania's Supreme Council parliament offers. In May 1991, deputies of the Vilnius region prepared a draft law on the status of the Polish National-Territorial Region of Vilnius. It would be a "democratic law-ruled autonomous administrative territorial entity within Lithuania acting on the basis of the Statute of the Vilnius Region adopted by the Sejm of the region and written into an appropriate Lithuanian law." A 75-member Sejm would be the region's supreme legislative body and would pass laws and resolutions, elect a court of law, appoint the region's procurator, enforce security measures, etc. The draft would also allow citizens of the Vilnius region simultaneously to be a citizen of Lithuania and also to request both Soviet and Polish citizenship.[33]

Lithuanian Supreme Council sources informed Helsinki Commission staff that parliamentary commissions have been examining, since early June, two drafts of plans for Lithuania's territorial administrative structure that include a "Vilnius district." Decisions on the actual size and juridical status of the district have not yet been made. The Poles have warned that if no law on a Polish national-territorial region is adopted by November 1991, they reserve the right to "return to the issue," presumably to issue more categorical demands.

Endnotes

1. *Komsomolskaya Pravda* carried a long article on the situation of the Poles in Lithuania on November 25, 1989 (for an English translation, *see* FBIS SOV DR December 6, 1989). According to statistics provided, by late 1989, the number of these schools had shrunk to 88 and most Polish children were attending Russian-language schools.

2. *Foreign Broadcast Information Service*, Eastern Europe, Daily Report (henceforth FBIS EEU), September 28, 1989, pp. 18-19.

3. FBIS-EEU July 28, 1989, pp. 31-32.

4. FBIS-EEU, September 14, 1989, pp. 44-45.

5. One such appeal was issued July 11, 1989. *See* FBIS SOV DR August 25, 1989, p. 30.

6. FBIS SOV DR October 10, 1989, p. 76.

7. FBIS SOV DR April 5, 1990, p. 93. Lithuania's Communist Party split in January 1990 into two parties, one supporting independence, the other "on the CPSU platform."

8. FBIS SOV DR April 10, 1990, p. 85.

9. FBIS SOV DR May 22, 1990, p. 71-72. The chairman of the Salcininkai soviet said "we consider that only within the body of the Soviet Union will we be able to solve all our problems."

10. FBIS SOV DR June 19, 1990, pp. 29-30, and FBIS SOV DR August 23, 1990, pp. 74-75.

5. FBIS SOV DR October 3, 1990, p. 64.

6. FBIS SOV DR October 11, 1990, pp. 88-89.

7. English-language translations of the text of this decree and several others were provided to Helsinki Commission staff by the Lithuanian parliament.

14. FBIS SOV DR December 11, 1990, p. 62.

15. For more details on the referendum, see the report by the Commission on Security and Cooperation in Europe, *Referendum in the Soviet Union: A Compendium of Reports on the March 17, 1991 Referendum on the Future of the USSR*, April 1991.

16. *Nasza Gazeta*, February 1-15, 1991. The newspaper is the organ of the Union of Poles in Lithuania.

17. Ibid.

18. *Kurjer Wilenski*, February 12, 1991. The newspaper is a Polish-language daily of the Lithuanian parliament and government.

19. *Kurjer Wilenski*, February 27, 1991.

20. *Nasza Gazeta*, February 15-28, 1991.

15. See also FBIS SOV DR, March 20, 1991, p. 42.

22. See *Referendum in the Soviet Union*, pp. 18-20.

23. Stephen Burant, Polish-Lithuanian Relations: Past, Present, and Future, Problems of Communism, May-June 1991, p. 81.

17. A Polish-language version of Landsbergis's remarks, published in *Kurier Wilenski*, May 30, 1991, was made available to Helsinki Commission staff by the Lithuanian Supreme Council's Information Bureau.

25. RFE/RL DR May 31, 1991.

26. RFE/RL DR April 19, 1991.

27. See endnote #24.

28. FBIS SOV DR January 23, 1991, p. 71.

29. FBIS SOV DR May 23, 1991, p. 52.

30. Ibid.

31. There were reports at the end of May that Soviet authorities would investigate the assaults on Lithuanian customs posts, followed by reports in late June that President Gorbachev had instructed Internal Affairs Minister Pugo to investigate the seizure of the telephone exchange. How serious the center's efforts to prevent the recurrence of such actions and to bring their perpetrators to justice remains to be seen.

32. FBIS SOV DR May 17, 1991, p. 34.

33. FBIS USSR, Republic Affairs, June 18, 1991, pp. 39-40.

Yugoslavia

Few other countries in the world, and certainly none in Europe, have a more diverse ethnic population than Yugoslavia--the land of the South Slavs. Included in its population are Serbs, Croats, Albanians, ethnic (Slavic) Muslims, Slovenes, Macedonians, Montenegrins, Hungarians, Slovaks, Ukrainians, Roma (Gypsies), Italians, Bulgarians, Turks and a number of smaller groups. Some individuals, in fact, claim to be ethnic Yugoslavs. None of these national or ethnic groups comprise a majority of the country's population, making them all, in a sense, national minorities. The Serbs have a plurality, with about 40 percent of the population, followed by the Croats with just over 20 percent.

Formally, however, the Serbs and Croats, along with the Muslims, Slovenes, Macedonians and Montenegrins, are considered nationalities as a result of their homelands being the six republics which, together, form the Yugoslav federation. (The Muslims form a plurality of the republic of Bosnia-Hercegovina, and were recognized as a distinct nationality as a counter to Croatian and Serbian claims that they were part of their respective nations who were converted to Islam during the Ottoman Empire.) All six happen to be South Slavic peoples. The remaining groups--some Slavic but not South Slavic, and others not Slavic at all--are considered ethnic minorities.

Population size does not seem to be a determining factor in making this distinction. Albanians out-number as many as four of the six nationalities. Like Hungarians, Italians and Bulgarians, however, much of their nation lies outside of Yugoslavia's borders, although Yugoslavia's Albanian population rivals that of Albania itself in size. Most Albanians in Yugoslavia are located in Kosovo, a province where they now comprise 90 percent of the population, but which is legally and historically considered part of Serbia. Albanians comprise a significant percentage of the populations of Macedonia and Montenegro as well.

Even the nationalities do not confine themselves neatly into their own republics. It is estimated that 24 percent of all Serbs in Yugoslavia live outside of the Republic of Serbia, and 22 percent of all Croats live outside of the Republic of Croatia.[1] Nationalities within Yugoslavia are hence also minorities in effect--if not in name--within some Yugoslav republics. Serbs, for example, comprise 32 percent of the population of Bosnia-Hercegovina and almost 12 percent of the population of Croatia. Of the six republics, only Slovenia is home for almost its entire constituent nationality within Yugoslavia (there is a Slovenian minority in neighboring Austria), and is considered to have a relatively homogeneous population.

Historic Diversity

Differences in the ethnicity of peoples within a state are very often a complicating factor in the governing of that state. In the case of Yugoslavia, however, these differences are greatly compounded by the vastly different histories of its peoples, which produces sharp contrasts today not only in language but in religion and culture as well.

For centuries before the creation of a Yugoslav state in 1918, the area inhabited by the South Slav people was dominated by the Byzantine Empire to the south and the Franks from the west, hence the current differences in religion (Orthodox Serbs and Macedonians/Roman Catholic Croats and Slovenes) and in alphabet (Cyrillic/Latin). In medieval times, various parts of the region enjoyed varying degrees of autonomy or independence, such as the kingdom established in Serbia (centered in Kosovo) and the Italian dominated city-republic of Ragusa (Dubrovnik) on the Adriatic coast. Croatia, after creating its own separate kingdom, became increasingly tied to Hungary, except for the coastal areas, known as Dalmatia, which remained primarily under the control of the Venetians. Montenegro was ruled by Serbia, and Macedonia was dominated mostly by Byzantium until the power of that empire was eclipsed by that of the Serbian kingdom. Slovenia continued to be dominated by Austrian rulers to the north.

The Ottoman Turks swept through the entire region of what is now Yugoslavia in the 14th and 15th centuries, expanding their empire until being turned back at the gates of Vienna in 1683. During this period of Ottoman encroachment, the Serbian kingdom, defeated at the historic battle of Kosovo Polje in 1389, lost its independence. Only Dubrovnik and the principality of Zeta (now Montenegro) were able to remain outside of Turkish control. Many of the inhabitants of Bosnia, a region between Croatia and Serbia, had no clearly defined national identity and therefore converted to the Islamic faith of their Turkish rulers, adding the third main religious group to modern Yugoslavia.

As the Ottoman frontier retired south, Slovenia, Croatia and Vojvodina (today a province of Serbia with a large Hungarian minority) came under Austro-Hungarian control. The remainder continued to be ruled by the Turks until the 19th century, when nationalist revolts eventually led to establishment of an independent Serbian kingdom, and control of Bosnia-Hercegovina was surrendered to the Habsburg rulers of Austria-Hungary.

The growth of national consciousness in Europe which followed the Napoleonic wars in the early 19th century impacted heavily on the still divided regions of what is now Yugoslavia. Among other things, it nurtured the development of a pan-Yugoslav ideal--the unity of Serbia, Croatia and Slovenia--despite the existence of considerable ethnic rivalry. When Serbia became an independent state in the latter part of the century, this ideal grew in popularity, although Serb-Croat animosities caused some Croatian nationalists to seek their own, separate independence. Serbian sympathy for national uprisings in Bosnia and elsewhere caused relations with Austria to become tense, and the assassination of the Austrian heir to the throne, Archduke Franz Ferdinand, by Bosnian activist Gavrilo Princip in 1914 in the Bosnian capital of Sarajevo initiated the hostilities which grew into World War I.

In July 1917, Croatian and Slovene leaders signed the Corfu Declaration with Serbia, declaring their support for allied war aims and a post-war merger of their lands into a single state. Accordingly, the post-war settlement dissolved the Austro-Hungarian and

Ottoman Empires, and the "Kingdom of Serbs, Croats and Slovenes" was proclaimed by Alexander Karadjordjevic, regent of Serbia, in December 1918.

Fragile Balances and Threatened Cohesion

Alexander became king in 1921. In light of bitter disputes between Croats and Serbs, he assumed dictatorial powers in 1929 and changed the name of the country to Yugoslavia, the government of which was dominated by Serbs. In 1934, Alexander was assassinated in France by a conspiracy of Croatian and Macedonian nationalists. His brother, Paul, assumed power as regent on behalf of Alexander's son, Peter. He maintained control of the country largely by force, especially in Croatia, which gained internal autonomy in 1939. Paul followed an increasingly pro-German policy until March 1941, when a coup replaced Paul with the young King Peter. In response, German and Italian forces overran Yugoslavia in April 1941, forcing the royal family and government into exile.

During World War II, Yugoslavia literally fell apart. Slovenia and parts of Dalmatia were divided by Italy and Germany, Bulgaria annexed part of Macedonia, Albania took Kosovo and some other Albanian-populated regions, Vojvodina came under German-Hungarian control, and Montenegro was under an Italian military government. A quisling government was formed by General Milan Nedic in Serbia, and, in Croatia, the extremist Ustashe organization, led by Ante Pavelic, proclaimed an independent Croatian state.

Two groups dominated the resistance: the Chetniks, which, with Draza Mihailovic as leader, were predominantly Serb and supported the return to power of the exiled royal family and government; and the Partisans, which, led by Josip Broz Tito, were under the control of the Communist Party. Attempts at collaboration failed, and the Chetniks and Partisans eventually fought each other as much as they fought the Axis regimes set-up throughout Yugoslavia. The allies first supported the Chetniks but switched to Tito's Partisans in light of allegations of Chetnik collaboration with the enemy and a lack of Chetnik support outside Serbia. The Partisans became the dominant force and liberated the country. The war against the Axis powers and their local allies, along with the civil war between the Chetniks and Partisans cost Yugoslavia at least 1.7 million lives, more than half of which were lost at the hands of fellow Yugoslavs.

In the immediate post-war period, Yugoslavia was clearly in the Soviet orbit, but Tito was an independent if devout communist who came to power through his own struggle and not as a result of the Soviet tanks which "liberated" the rest of Eastern Europe. Unwilling to place the interests of the Soviet Union over those of Yugoslavia, Tito broke with Stalin and was expelled from the Cominform in 1948. This break created a search for a new, non-Stalinist form of communism, leading to the concept of worker self-management as opposed to central state control as a basis for the economic system in 1950. Subsequent reform led to increasing prosperity, openness in society and a gradual tolerance of dissent. Tito remained firmly in control and, while permitting more freedoms than other communist regimes generally, ensured the country's unity through repression of even mild expressions of nationalist or separatists sentiment.

Tito's passing in 1980 began an era of collective leadership, which sought to ensure that no one national group or individual person dominated but also left the central government unable to maintain the unity of the federation. Growing economic problems and political decentralization caused disputes between the republics and provinces in the 1980's, with a parallel resurgence in nationalism and separatist sentiments. This trend allowed what were, for the most part, nationalist parties to come to power in each of the Yugoslav republics when the political pluralism which swept Central and Eastern Europe in the latter part of the decade made possible multi-party elections in each of the Yugoslav republics during the course of 1990. Despite some successes achieved by federal Prime Minister Ante Markovic in checking the economic downturn, political power had devolved to the republics.

Essentially, the elections divided Yugoslavia into three camps. In the north, Slovenia and Croatia elected non-Communist, nationalist parties to power and are poised for secession if agreement cannot be reached on forming a very loose confederation or association of sovereign states. Serbia and Montenegro, alternatively, have chosen to stay with their current communist leaders who also have heavy nationalist overtones but insist on maintaining the present Yugoslav federation. The people of Bosnia-Hercegovina and, to a somewhat lesser extent, Macedonia have also voted for nationalist parties but are in a precarious middle position: they feel safer in a federation which recognizes their existence but want Slovenia and Croatia to remain a part as a counter to Serbian domination.[2]

Throughout 1991, the leaders of the republics have engaged in talks with the claimed goal of seeking some sort of mutual agreement. Meanwhile political machinations have created a political vacuum at the federal level, and open conflict has erupted in several regions in Yugoslavia. Positive signs indicating that the current crisis in Yugoslavia might be resolved occasionally appear, but, at present, political stalemate and violent confrontations continue, making the collapse of Yugoslavia and perhaps wide-spread civil war real possibilities.

Endnotes

1. Dennison Rusinow, *Yugoslavia: Balkan Breakup?*, FOREIGN POLICY, No. 83, p. 145 (Summer 1991).

2. For concerns of Macedonia, *see* Robert D. Kaplan, *History's Cauldron*, THE ATLANTIC MONTHLY, pp. 93-104 (June 1991). For concerns of Bosnia-Hercegovina, *see* A.D. Horne, *Ethnic Tensions Splitting Central Yugoslav Republic*, THE WASHINGTON POST (June 11, 1991).

Albanians in Kosovo

During most of the past 16 years, Yugoslavia could claim, with considerable evidence, that the Albanians of Kosovo enjoyed, more than most other minority groups in Europe, their rights as members of a national minority as detailed in the Helsinki Final Act and subsequent CSCE documents. In recent years, however, no other minority group in Europe has seen their privileges and basic human rights stripped away on a larger scale than the Albanians of Kosovo.

In Kosovo, a province of Serbia, Albanians represent an overwhelming and growing majority of the present population. The human rights problems of Kosovo have, in large part, complex political issues of self-determination as their pretext. Both Serbs and Albanians make a variety of impassioned historical and demographic claims to the region. Albanian aspirations for ever greater autonomy for Kosovo have grown to the point of separation from Serbia and, at the extreme, secession from Yugoslavia altogether. The Serbian response, fueled by a resurgence of Serbian nationalism promoted by the president of the republic, Slobodan Milosevic, has been to sharply curtail provincial authority. In the process, the rights and freedoms of the ethnic Albanian inhabitants of Kosovo have been grossly denied.

Cultural, Demographic, Historical Background

Sharp cultural differences between Albanians and Serbs, their close historical interaction and their presently diverging demographic patterns are at the core of the human rights problems in Kosovo today.

Albanians trace their ethnic roots to the ancient Thraco-Illyrians who inhabited western regions of the Balkan peninsula for well over 2,000 years. While most Illyrians assimilated into other groups over the centuries, it is believed that those who inhabited the more mountainous regions were able to maintain their unique identity. Albanian, while Indo-European, is not closely related to any other language, although some roots from neighboring Slavic, Greek, and Romance roots found their way into the language over the centuries. Albanians are linguistically subdivided into two dialects--Gheg in northern regions, including Kosovo, and Tosk in the south. However, a standard Albanian language, based primarily on the Tosk dialect, was formulated in Albania and has been largely accepted by Albanians in Yugoslavia and around the world.

With centuries of contact with ancient Greek settlements, what are now Albanian populated areas of the Balkans fell to Roman control at the beginning of the 1st millennium A.D. and then to Byzantine control when the Roman Empire split in the 4th century. It was during the Byzantine period that the first Slavs from northern regions came to the Balkans, becoming a dominant portion of the region's population by the end of the 8th century. From the emerging South Slavic groups, a distinctly Serbian kingdom emerged in Kosovo and the surrounding areas of southern Serbia, Montenegro, Albania and Macedonia, which, under the Nemanjic dynasty, became independent from the Byzantine empire and reached its geographic zenith under the rule of Dusan in the 14th century. Serbian national culture developed during this period, including the formation of the autocephalous Serbian Orthodox Church, centered in the western Kosovo town of Pec. The territory surrounding the patriarchate subsequently became known as "Metohija" (Church Lands). The remnants of this medieval Serbian kingdom are in evidence today with many old but still well-kept Serbian Orthodox churches scattered throughout Kosovo.

The involvement of the Serbian King Dusan in political disputes within the Byzantine Empire led the Byzantines to request the assistance of the Ottoman Turks in subduing the Serbs. This proved as fatal for Byzantine as it did for the Serbian kingdom. The conquest of medieval Serbia was sealed after the Ottomans defeated the "seven-nation" army of Serbian Prince Lazar--which, ironically, included Albanians--at the Battle of Kosovo Polje in 1389. Following a brief national revival and then another defeat at Kosovo Polje, the last bastion of the Serbian kingdom finally fell to the Turks 70 years later and 6 years after the fall of Constantinople.[1]

During the period of Ottoman rule, the Serbs were permitted to maintain their religious and cultural autonomy under the "millet" system, in which the Ottoman administration of the Empire was carried out through the religious communities of the subjugated peoples. The majority of their ethnic Albanian neighbors and former allies, however, adopted the Islamic faith of their Turkish overlords, and came to greater prominence in the political administration of the region as a result. As the Habsburg Holy Roman Empire, centered in Vienna to the north, withstood Ottoman Turk attacks and gradually grew in strength, Serbs began to migrate from their original homelands, including Kosovo, to the northern regions beyond the Danube which came under firm Habsburg control. These included present-day Vojvodina, the other autonomous province of the Republic of Serbia in Yugoslavia. While still inhabited by some Serbs, Kosovo was thus transformed from the geographic and political heart to the periphery of Serbian civilization. Additional Albanians, meanwhile, were moved into the region by the Ottomans to defend the frontier.[2] Kosovo nevertheless remained, during the following centuries of Turkish rule, a centerpiece of Serbian national consciousness.

In the 19th century, revolts in Serbia eventually led to autonomy and the withdrawal of Turkish forces from the region and finally, in 1882, the proclamation of an independent Serbian kingdom. This kingdom, however, did not include Kosovo, which remained under Ottoman control. In the subsequent decades leading up to the Balkan wars, Albanians, including those in Kosovo, began to revolt in the hope of gaining increased autonomy. They formed a "League of Prizren," named after the Kosovo town in which it was formed, to press their views, but the League was eventually suppressed by the Turks. It was not until the first Balkan War in 1912 that an independent Albanian state was founded, the last such state in the Balkans. The following year, Serbia and Montenegro reclaimed Kosovo, with Montenegro taking as its own the "Metohija" region. Negotiations with

Albania produced an agreement that year to a border that left Kosovo outside of Albania. Kosovo therefore became part of the Kingdom of Serbs, Croats and Slovenes--later renamed Yugoslavia and ruled by a Serbian royal dictatorship until World War II--created in 1918 as an expression of the self-determination of these South Slav groups, united for the first time in their history. Both before and after World War I, there were reports alleging mistreatment of Albanians in Kosovo, including their expulsion, sometimes to specific parts of the province, in order to make room for newly settled Serbs in the years immediately after the war.[3]

Yugoslavia literally fell apart during World War II, with a quisling government set up in Serbia, an independent fascist state created in Croatia, and the remainder of the country divided up by its neighbors. Albania annexed Kosovo and some Albanian-populated regions of Macedonia in the creation of a "Greater Albania" which was run by a quisling government supported by Italy and, later, Germany. At the same time, rival resistance groups in Yugoslavia, as in Albania, fought against one another in addition to the foreign occupiers. Finally, the communist partisans of Josip Broz Tito in Yugoslavia and of Enver Hoxha in Albania, who were allied together under Soviet tutelage, overcame royalist opponents to take control of their respective countries after the war.

The close relationship between the Albanian and Yugoslav communists was evident in the interest expressed immediately after the war in the creation of a communist Balkan federation. While Tito was a devout communist, however, he was also an independent leader who came to power on his own without the help of Soviet tanks. His differences with Stalin led to a Yugoslav break from the Soviet bloc, while the hard-line Albanian communists, wary of Yugoslav intentions, sided so fully with Stalin that they broke from the Soviet bloc as well in the early 1960's, following Khrushchev's de-Stalinization in the USSR and rapprochement with Tito. Hostility between Albania and Yugoslavia has continued to the present, and has played a major role in post-war developments in Kosovo.

Under Tito, the old, centrally run administrative districts of pre-war Yugoslavia were replaced by nationality-based republics. The intent was explained in communist terms of bringing equality to each of the nationalities, similar to that employed by the Soviet Union. But it was also an attempt to make the various hostile nationalities less likely either to seek domination of or to break away from the others. Serbia, of course, was one of the six republics created, but, unlike the others, contained the two autonomous provinces of Kosovo and Vojvodina, which were justified by their non-Serb populations and at times separate histories from Serbia proper. There existence, however, served the more explicit purpose of checking potential Serbian domination of the new federation.

The Albanians, however, were considered an ethnic minority and not a nation within Yugoslavia, despite having a population in Kosovo larger than some--and today perhaps most--of the nations. For this reason, therefore, along with the sensitivities surrounding Serbian historical attachment to Kosovo the Albanians were not given their own Kosovo republic. Only the six South Slav nations (Serbs, Croats, Slovenes, Macedonians, Montenegrins and the Muslims of Bosnia-Hercegovina) were given their own republics, based on the fact that the true nations of Albanians, Hungarians and other groups existed outside the confines of Yugoslavia's international borders.

The treatment of Albanians in Kosovo under Tito's rule is rather complicated. They bore the brunt of the harassment which followed the bitter break between the communist regimes of Yugoslavia and Albania, especially during the early 1960's at the instigation of Alexandar Rankovic, a reputed Serbian nationalist who as vice-president of Yugoslavia had oversight of the Yugoslavia secret police (UDBA) until his resignation in 1966. Kosovo enjoyed an autonomous status but less so in practice than did Vojvodina. At the same time, the expression of nationalist sentiment not only by Albanians, but by Serbs and everyone else, was severely restricted throughout Tito's 35-year reign.

Beginning in the late 1960's, however, the situation began to improve significantly for the Albanians of Kosovo. Following Albanian protests in late 1968, provincial autonomy and economic assistance increased markedly. A separate, Albanian-language university was established in the capital of Pristina, which, with 80 percent of the student body ethnically Albanian, has been called the "only university for national minorities in the world."[4] Cultural and educational exchanges were permitted with Albania. Albanian-language media grew markedly. A new Yugoslav constitution in 1974, moreover, maintained Kosovo within Serbia but as a federal unit, with a seat in the collective Presidency of Yugoslavia (titular head of state) and the Constitutional Court, as well as its own seats in the Federal Assembly. In the past 5 years, in fact, Albanians from Kosovo have served as President of the Presidency of Yugoslavia (head of state), president of the Federal Assembly, as well as Yugoslav ambassadors to more than one dozen countries.[5]

Other than not having the right to secede, Kosovo became, in effect, a republic in all but name. Within the province, officials were usually members of the League of Communists (the Communist Party) who were not chosen by the population, a situation which existed throughout the one-party state. Nevertheless, they were mostly ethnic Albanians rather than Serbs or Montenegrins from Kosovo, although they were usually acquiescent to officials from the Serbian republic and pursued Albanian "separatists" with considerable zeal. Official business within the province, for example, could be conducted in Albanian as well as in Serbo-Croatian.

In 1975 and 1976, however, Albanian activists, including the writer Adem Demaqi, continued to be imprisoned for their nationalist activities. While they had numerous cultural rights, Albanians could not freely express their views if those views were considered nationalist and included support for granting Kosovo any political status beyond what it had already been given.

Following the death of Tito in May 1980, the collective leadership which took his place sought to preserve what they saw as the established equality among nationality groups forged by successive Yugoslav constitutions. This balance included: 1) maintaining the territorial subdivisions of Yugoslavia; 2) promoting equality in economic development among the national and ethnic groups; and 3) taking a vigilant stand, even at the expense of individual freedoms, against efforts--either at home or abroad--to assert the claims of one nationality against another.

The first major challenge to this balance was the unrest that began in Kosovo in March 1981. Student protests over living conditions grew into a wave of demonstrations, strikes and looting. Many protesters called for granting Kosovo the status of a full republic within Yugoslavia, while smaller numbers called for full independence and affiliation with Albania. To the authorities, it made no difference, and a state of emergency was declared during which army units were deployed. Official Yugoslav statistics, often criticized as too low, reported 11 dead (9 demonstrators and 2 policemen) and hundreds wounded in the clashes that followed. According to Amnesty International, at least 2,000 people were arrested in the immediate aftermath, many receiving fines or prison sentences of up to 60 days. Others received sentences ranging from 1 to 15 years for such crimes as "hostile propaganda, incitement, association for the purpose of hostile activities, participation in hostile activity, and counterrevolutionary endangering of the social order."[6]

Hundreds of ethnic Albanians, probably well over one thousand, were tried and convicted on these charges to such terms during the remainder of the decade, especially those found to be members of "illegal organizations" with "nationalist or irredentist aims." While some were accused of such specific acts as firing at members of security forces, smuggling arms or setting off explosions, many others were convicted on charges unrelated to the use or advocacy of violence. As a result, of the estimated 600-1,000 political prisoners in Yugoslavia at any one time during most of the 1980's, 90 percent were charged for nationalist activities (usually verbal crimes), a two-thirds of whom were ethnic Albanians arrested since 1981.[7] In November 1983, the President of the Supreme Court of Kosovo admitted that many of the sentences were too severe because of the "situation that prevailed" when they were made, and noted that 60 percent of the sentences were reduced on appeal.[8] The situation in Kosovo steadily worsened and became so tense by the end of the 1980's that special federal police units were brought in from Belgrade in 1987 to quell separatist activities.

Beyond the traditional mistrust between Albanians and Serbs in the region and Albanian claims of popular discrimination against them, there were more specific reasons why Albanians in Kosovo, despite their relative autonomy, were dissatisfied with their situation following Tito's death. Generally speaking, they fell victim to some of their own successes. The creation of an independent Pristina University and expanded cultural programs made Albanians increasingly more educated and aware of their own identity. At the same time, massive federal investment in Kosovo, estimated to have contributed as much as 70 percent to the province's budget, went to high-profile but ineffective projects that did nothing to improve economic conditions in Kosovo relative to other parts of Yugoslavia. Per capita income in Kosovo currently is only one-eighth that of Slovenia, the richest republic. There continued to be few jobs for university graduates, and Albanian national pride combined with economic dissatisfaction produced strong separatist sentiment.

The problems--let alone the advances--of the ethnic Albanians in Kosovo, both during and after Tito's reign, led to increasing dissatisfaction among the Serbs, as well as Montenegrins still living in the province. The Serbs resented the separation of parts of their republic--and their republic alone--into autonomous provinces, which they saw as a de facto dismemberment of Serbia. They were unhappy, too, with the economic situation, although it was alleged that they held a disproportionate number of senior positions in the province. Those who had moved from the province were reportedly barred by law from moving back.[9]

Becoming an increasingly smaller percentage of the population, Serbs have complained of discrimination against them by the Albanian population, such as the refusal to serve them in stores. There were also numerous and specific reports of criminal acts committed by Albanians against Serbs, including the burning of Serbian homes, sexual assaults against Serbian women, attacks against Serbian men on the streets and the beating Serbian children at school. Serbian churches and cemeteries were also desecrated or destroyed. The local legal and judicial system, for the most part, did not bring guilty parties to justice, leading to accusations that Albanian law enforcement officials and judges were biased in favor of Albanian criminals or defendants.[10] Non-payment of bills for public services was also widespread in Kosovo. In January 1986, 212 Serbian intellectuals delivered a protest statement to the Federal Assembly and the Assembly of the Republic of Serbia, alleging that "genocide" was being committed by ethnic Albanians against Serbs in Kosovo.[11] While Serbian protests over the situation were increasingly permitted in the late 1980's, earlier demonstrations often had not been.

On a more general level, it must be said that some Serbian complaints often reflected their own prejudicial attitudes toward Albanians. For example, criticisms of Albanians often included references to their Islamic background. In 1990, despite a complete lack of information to substantiate the claim other than that the probable culprits of violent acts were Muslim, Serbian Orthodox Church officials told a Helsinki Commission delegation of an appeal they successfully passed through the World Council of Churches, which states that "fundamentalist Islam is instigating the Albanian Moslem population...to wage a religious war against Orthodox Christians."[12]

Demographic trends in Kosovo over the years have reinforced if not magnified the tensions between Albanians and Serbs in the province. In 1931, the population of Kosovo was just over 500,000, with one-half estimated to be ethnic Albanians. After World War II, it was estimated that two-thirds of Kosovo's inhabitants were ethnic Albanians. By 1961 their portion had reached three-fourths, and by 1981 over four-fifths. While figures for

1991 might not be available or accurate because of an Albanian boycott of this year's census, it is believed that Albanians now represent nine-tenths of the two million inhabitants of Kosovo. The majority of the remainder are Serbs, although Montenegrins, Turks and Gypsies (Roma) also live in the province.

The rapid increase in the Albanian percentage of the population is mostly attributable to the high Albanian birthrate, three times the Yugoslav average and the highest in Europe.[13] Another factor is outmigration of Serbs and Montenegrins from Kosovo, estimated to have included as many as 400,000 individuals since World War II, and at least 25,000 during the 1980's. Harassment by Albanians is often cited as a reason for Serbs leaving their homes in Kosovo, where their families may have lived for centuries. Economic incentives for moving to other parts of the country have also played a role, however, as illustrated by the outmigration of many Albanians as well to other parts of the country or as guest workers abroad.

Recent Developments

The tense situation in Kosovo combined with a steady widening of permissible public protest encouraged the growth in expressions of Serbian nationalist sentiment in the late 1980's. Lingering complaints that Tito and his policies had wronged the Serbian nation suddenly began to surface. A rising official within the ruling League of Communists of Serbia, Slobodan Milosevic, came to symbolize Serbian disgruntlement in his statements and positions regarding Kosovo, and he became head of the Serbian League in 1987 as a result. As President of Serbia in 1989, Milosevic became the central figure in the Serbian political leadership and vowed to reclaim Serbian control of Kosovo. In doing so, the Serbian Government would severely restrict the exercise of even basic human rights by Albanians in Kosovo.

The government's first action was the proposal of several amendments to the Serbian constitution which would sharply curtail the autonomy of Kosovo regarding legal, economic and educational matters. One amendment proposed the dropping of Albanian as a language for conducting official business and another, introduced just before it was to be voted upon, was designed to deny Kosovo its ability to veto future Serbian constitutional changes directly affecting the province. For the first time since 1981, Albanians took to the streets of Pristina en masse; as many as 100,000 protested in November 1988. Serbs did the same in even larger numbers in Belgrade, but, while their protests were tolerated, Albanian demonstrations in Kosovo were forcibly broken up, and many of the participants were charged with "hostile propaganda, inciting ethnic hatred, and counterrevolutionary activity." Even granting the need for authorities to maintain crowd control, the Albanians of Kosovo clearly were being denied their right to freedom of expression, while Serbian protesters were not. By the end of November 1988, demonstrations in Kosovo were formally banned.

Unrest nevertheless continued. In February 1989, approximately 13,000 workers at the Trepca mines in Kosovo went on strike to protest the constitutional amendments. Emergency procedures were introduced by the federal authorities, and federal forces intervened to end the strike and sympathy protests. Criminal charges were made against about 50 business persons or officials who participated in a larger general strike at the same time, along with approximately 1,000 workers.[14] Azem Vlasi, a former head of the League of Communists of Kosovo, was arrested along with 14 other Albanian officials for meeting with the miners in an apparent attempt to bring the miners' strike to an end. Originally charged with counterrevolutionary activity and damaging the economic base of Yugoslavia, Vlasi and the others were put on a show trial in early 1990. The trial was heavily criticized internationally, as well as within Yugoslavia, and eventually ended in May 1990 when the defendants were acquitted on grounds of insufficient evidence.

Meanwhile, in late March 1989, the Serbian constitutional amendments were passed by the Kosovo Assembly, an essentially rubber-stamping body whose members were nevertheless threatened with personal loss if they did not vote for the amendments. In a highly irregular proceeding in which non-delegates participated, only negative votes were counted (a count of the abstentions would probably have defeated the amendments), allowing the president of the Assembly to assert that all others favored the amendments, enough for them to pass. Those 10 individuals who did vote against the amendments subsequently faced retaliatory action, including criminal charges in some cases.

Subsequent protest, which quickly turned into rioting, prompted a widespread crackdown by the authorities, which included the use of water cannons, tanks and helicopters. Twenty-six people, including 2 police officers, were killed according to official sources, with unofficial sources claiming much higher figures. Hundreds of people were known to have been wounded. Some of the dead or wounded protesters were reportedly shot in the back while attempting to flee on-coming forces. Action was taken against medical personnel who sought to help injured protesters. There were, on the other hand, some reports of sniper fire at security forces by private individuals. Responsibility for casualties were added to the charges against Vlasi at the time, despite the fact that he was in prison during the riots. The charges were based on grounds that he inspired the protesters to act in a way that forced the security units to shoot them.

By the end of the March 1990 demonstrations, close to 900 individuals had received 60-day sentences for their opposition to the constitutional amendments, and over 200 Albanian opposition leaders were kept in "isolation"--a months-long detention during which no charges needed to be made. The purpose of this isolation was described as preventative, i.e., to keep a person from doing something deemed undesirable by the authorities. Widespread international condemnation of "isolation" led officials to cease using the practice.

Following the unrest in early 1989, Albanian intellectuals decided to form large opposition groups which could better organize protest and hopefully keep Albanians from reacting to violence with violence. Dr. Ibrahim Rugova, for example, founded the Democratic Alliance of Kosovo as a mass organization to promote equality for Albanians in Yugoslavia. Others formed a Committee for the Defense of Human Rights in Kosovo, a youth parliament of Albanian students, and Pristina branches of the Yugoslav Democratic Initiative and the Yugoslav Helsinki Committee. Many members of these groups were harassed and sometimes detained for their activities, and their meetings were sometimes broken up. The prominence of their leaders and their ability to organize Albanian dissent, however, kept these groups from being decimated by the imprisonment of their members.

With the constitutional amendments enacted, the Serbian leadership next sought to take effective control of the province. New members were chosen, for example, for the provincial assembly. Sporadic unrest continued throughout 1989, and larger protests again took place in January and February of 1990, with additional deaths, injuries and arrests. In March 1990, there were reports of a mass poisoning of Albanian children in Kosovo, which the authorities at first claimed was staged by Albanian separatists. Later medical evidence alleged the existence of some toxic substances, but a true determination of the cause of the incident has never been made. Following a Helsinki Commission visit in April 1990, there were some positive developments, such as the acquittal of Azem Vlasi and the release of over 100 political prisoners, including Adem Demaqi, who had spent a total of 29 years in prison. The federal emergency procedures were also lifted, although they were soon followed by special Serbian emergency measures.

The growing Serbian control of Kosovo province prompted the new, supposedly more compliant members of the provincial assembly to proclaim Kosovo an independent and equal entity within the Yugoslav federation on July 2, 1990. Three days later the Kosovo Assembly and other provincial government offices, including the courts, were suspended by the Serbian Government. Serbian authorities also took control of major institutions and enterprises. Non-Albanians in Kosovo were barred from selling their property to Albanians and from moving out of the province, and the Serbian authorities indicated that they would review land transfer documents to find out if any land was under illegal Albanian ownership.

These actions prompted further Albanian protest, which in turn caused another wave of detention, arrests and house searches for weapons or nationalist materials. There were many subsequent reports of ethnic Albanians being beaten during interrogations by police, as well as the alleged shooting and killing of non-threatening villagers. A successful 24-hour strike to protest the repression was met by the wide-scale firing of Albanians from their places of employment. Moreover, the offices of the paper *Riljinda* and other local, Albanian-language media were closed. Purges of the faculty of Pristina University impacted negatively on Albanian-language education and Albanian cultural studies.

In response to these measures, 111 members of the suspended provincial assembly met in the town of Kacanik in southern Kosovo in September 1990 and proclaimed a new constitution for Kosovo that declared it a full Yugoslav republic. They and six members of the Kosovo Government were subsequently charged with counterrevolutionary activity, which was later changed to endangering the territorial integrity of Yugoslavia. Most of the members and government officials fled Serbia thereafter, although some were caught and placed under arrest.[15] Later Albanian demonstrations, such as during the visit of a U.S. Senate delegation, were broken up by force, despite their peaceful nature.

As democratic changes in the rest of Yugoslavia began to force President Milosevic and the Serbian Government to undertake political reform as well, a new constitution was adopted by Serbia in September 1990. The League of Communists of Serbia changed its name to the Socialist Party, dropped its monopoly on political power in the republic, and scheduled multi-party elections for December 1990. Dozens of alternative political parties formed, but the leading Albanian opposition organization, the Democratic Alliance of Kosovo, decided not to participate in the elections and called on the Albanians of Kosovo to boycott the voting on election day. The Democratic Alliance, which had registered as a political organization at the federal level, refused to do so at the republic level as a precondition for running in the elections, because official recognition was made legally dependent on acknowledgement of Kosovo as an integral part of the Republic of Serbia. Although the Alliance might have captured most, if not all, of the 34 Assembly seats allotted for Kosovo in the Serbian Assembly, it stayed out of the race, and the majority of Albanians did remain at home on election day.

At present, the situation in Kosovo remains a tense standoff, with the Serbian Government ruling the province but unable to control its population. Albanian opposition leaders are committed to remaining in Yugoslavia, but they say that any hope of continuing as part of the Serbian republic has long since passed. They have increasingly argued that, with Kosovo a province and Albanians a minority, Albanian rights will never be protected. Only under the full autonomy that comes with republic status, they maintain, will the Albanians of Kosovo be able to act upon their rights and freedoms.

In the more recent meetings to discuss a future political framework for Yugoslavia, the Kosovo representative on the collective Presidency of Yugoslavia, an Albanian named Riza Sapundziu, and the Albanian President of the Province, Hisen Kajdomcaj, took actions which, like that of the Kosovo Assembly, opposed Serbian positions. Despite the fact that they, like other recent Kosovo officials, were chosen by the Serbian authorities and not the people of Kosovo, they both called for greater discussion of the problems in Kosovo in the high-level meetings, and their participation was opposed by the Serbian Government. The other republic leaders, as well as the representatives of Yugoslavia's federal government, maintained that, while losing its autonomy within Serbia, Kosovo had retained its federal status, as had the province of Vojvodina. Following Sapundziu's vote within the federal presidency against declaring a state of emergency in Yugoslavia, a Serbian proposal defeated in March 1991, Sapundziu was removed from his position on the federal presidency.

The development of a stronger Serbian opposition to President Milosevic and his government since the December 1990 elections in Serbia, however, may bring about some improvements in the situation in Kosovo. Milosevic has recently indicated that the provincial assembly in Kosovo will be restored in the near future, accompanied by multiparty elections in the province. While there are major caveats to a resumption of these aspects of Kosovo's autonomy, they may, nevertheless, be accompanied by some improvements in the human rights situation for Kosovo Albanian population.[16]

Conclusions

During most of the past two decades, the Albanians of Kosovo have enjoyed considerable rights as a minority group in Yugoslavia, with a wide range of avenues for cultural pursuits and a high degree of political autonomy. Nationalist or separatist expressions, however, while recognized as a legitimate form of freedom of speech, were nevertheless punished by imprisonment--a fact of life for all national and ethnic groups in Yugoslavia since World War II.

Over the past 3 years, there have been considerable advances in the human rights situation in Yugoslavia as a whole. The principal exception has resulted from the sharp curtailment of the autonomy of Kosovo province within the Serbian republic. Albanian protests against this loss of autonomous status led to violent clashes and numerous deaths and injuries. Albanians have also been harassed, beaten, detained, imprisoned, fired from their place of employment or mistreated in other ways for expressing points of view deemed "separatist." More recently, the Albanian media, educational system and economic life have been threatened by the efforts of the Serbian authorities.

One of the principal causes of the Serbian actions has been the treatment of the Serbian and Montenegrin communities in Kosovo by the much larger Albanian population, which ranges from simple harassment in everyday life to acts of violence against individuals. Unfortunately, rather than seeking to correct this situation by ensuring the full prosecution of guilty individuals in a more effective criminal justice system, the Serbian Government has responded with a broad crackdown on the entire Albanian population of Kosovo, violating the rights and freedoms of thousands of innocent individuals in the process. This response has not only resulted in some of the most blatant violations of CSCE human rights commitments by a signatory State today, but has also proven to be counterproductive.

Larger issues regarding the political status of Kosovo will need to be resolved if a calm and peaceful social environment is to be restored in Kosovo. These issues should be resolved by those directly involved. But the initiation of a dialogue on these matters, and respect for the human rights and fundamental freedoms of individuals should not be made conditional on support for any position regarding Kosovo's relationship with Serbia or with Yugoslavia as a whole.

Endnotes

1. Fred Singleton, A SHORT HISTORY OF THE YUGOSLAV PEOPLES, pp. 24-28 (1985).

2. Albert M. Tosches, The History and Ethnography of Kosova, a paper distributed by the Human Rights Foundation (1990).

3. Michael W. Galligan, Deborah J. Jacobs, Morris J. Panner and Warren R. Stern, THE KOSOVO CRISIS AND HUMAN RIGHTS IN YUGOSLAVIA, a Report of the Committee on International Human Rights of the Association of the Bar of the City of New York, pp. 10-11 (February 1991) [hereinafter NEW YORK CITY BAR REPORT].

4. Djordje Bozovic, President of the Kosovo Assembly, Statement to the Helsinki Commission Delegation Visit to Yugoslavia (April 1990).

5. *Id.*, p. 2, and Vladimir Matic, Deputy Chief of Mission, Embassy of the Socialist Federal Republic of Yugoslavia, Letter to U.S. Representative Tom Lantos (April 24, 1990).

6. U.S. Commission on Security and Cooperation in Europe, Report on the Albanian Minority in Yugoslavia, pp. 6-7 (1986).

7. It must be kept in mind that subsequent prisoner amnesties and the introduction of political pluralism in most parts of Yugoslavia have led to a substantial reduction in the number of long-term political prisoners in Yugoslavia.

8. *Id.*, pp. 5 and 7.

9. NEW YORK CITY BAR REPORT, *supra* note 3, p. 15.

10. U.S. Commission on Security and Cooperation in Europe, REPORT OF THE CONGRESSIONAL DELEGATION VISIT TO YUGOSLAVIA, ROMANIA AND BULGARIA (CODEL DECONCINI/HOYER) (April 1990). See especially overviews of meetings with Representatives of the Serbian Orthodox Church (p. 12), Serbian President Slobodan Milosevic (pp. 13-15) Representatives of the Kosovo Assembly (pp.16-17) and the Bozur Society (pp. 19-20).

11. U.S. Commission on Security and Cooperation in Europe, THE ALBANIAN MINORITY IN YUGOSLAVIA, p. 8.

12. *Id.*, p. 12.

13. NEW YORK CITY BAR REPORT, p. 15.

14. *Id.*, p. 26.

15. *Id.*, p.34.

16. U.S. Commission on Security and Cooperation in Europe, REPORT OF THE U.S. HELSINKI COMMISSION DELEGATION VISIT TO HUNGARY, YUGOSLAVIA AND ALBANIA (CODEL DECONCINI), pp. 21-22 (April 1991).

Serbs in Croatia

Of the multitude of national and ethnic groups which comprise the Yugoslav population, the two largest and most politically dominant are the Serbs and Croats, which represent approximately 36 percent and 20 percent of Yugoslavia's 23 million people, respectively. While their common language demonstrates the close relationship between these two South Slav groups, differences in religion, culture and even their alphabets reflect a sharp contrast in historical experience, one focused to the east and the other to the west. Both Serbs and Croats have their own republics within the Yugoslav federation, but each have lived in great numbers outside their currently designated homelands for centuries as well. This is especially true for the Serbs, almost 600,000 of whom currently live in Croatia. Historical animosities between Serbs and Croats led to horrendous atrocities during World War II, as thousands of Serbs living in the then independent and fascist Croatian state perished at the hands of ruling Ustashe troops.

The bitter memories of that period have resurfaced in the past year, following Croatia's April 1990 multi-party elections in which the nationalistic, non-communist Croatian Democratic Union came to power. The new Croatian Government, with former Yugoslav Army general, historian and political prisoner Franjo Tudjman as president, has advocated transforming the current Yugoslav federation into a loose alliance of sovereign states. The prospect of a decentralized Yugoslavia, and even Croatian secession from Yugoslavia, has created anxiety within the Serbian community of Croatia. They fear they will become separated from their fellow Serbs in Serbia, as well as in neighboring Bosnia-Hercegovina, and be left, without protection, in the hands of those they consider their historical enemies. These fears have been exacerbated by the Croatian Government's occasional lack of sensitivity to the concerns of the Serbian community, along with reported instances of discrimination regarding personnel changes since the communists were removed from power.

As a result, the Serbs of Croatia have become increasingly concerned about their future, despite the fact that Croatia is moving in a generally democratic direction. Militant Serbs in the republic have played upon these concerns to cause a restiveness among the Serbian community which has led to the outbreak of violent conflict. They have armed themselves, declared their autonomy and actually proclaimed the separation of a predominantly Serbian populated region, Kninska Krajina, from the Croatian republic. Police and paramilitary forces of the Croatian Government, which alleges that the Republic of Serbia has instigated the uprising, have clashed violently with the Serbian population in several localities, prompting federal intervention.

The situation regarding the Serbian community in Croatia is tightly interwoven into the larger setting of creating a new political framework for Yugoslavia. The separation of Serbian-inhabited regions from Croatia has already set off open conflict which could eventually lead to the total breakup of Yugoslavia and plunge the country into bloody civil war. On the other hand, a negotiated agreement on the future relations of the six Yugoslav republics with each other could put an end to much of the Serbian agitation in Croatia. This would especially be the case if, as is widely believed, the Serbian Government in Belgrade has instigated the disgruntled Serbs of Croatia into taking the extreme actions they have.

Historical, Demographic and Cultural Background

The South Slavs moved into the Balkan region from the north during the second half of the first millennium A.D., becoming separated from the Western Slavs of present day Poland and Czechoslovakia and the Eastern Slavs of Russia, Ukraine and Byelorussia. By the end of that millennium, geographic circumstances in the Balkans caused by the rugged natural terrain and foreign occupation led the South Slavs to subdivide into several different nations as well, including the Bulgarians, Croats, Macedonians, Montenegrins, Serbs and Slovenes.

Of particular importance to the differentiation among the nations was the dividing line drawn in the 3rd century A.D. between the Eastern and the Western Roman Empires, which geographically splits modern Yugoslavia in half. The Slavs to the west of this line, the Croats and Slovenes, adopted the Roman Catholic faith, used Latin script for their written language and were influenced by centuries of Frankish rule. The remaining South Slavs who lived to the east, including the Serbs, adopted the Eastern Orthodox faith, used the Cyrillic script and were influenced by the Byzantine Empire.

These differing cultural outlooks were further accentuated by the later division of the Balkans between the Ottoman and the Austro-Hungarian Empires. After making two unsuccessful attempts to conquer Vienna itself, the Habsburgs took control of Slovenia and, largely through their Hungarian minions, Croatia. This division lasted until the late 19th century, when Austro-Hungary added Bosnia to its realm, only to disappear completely with the defeat of both the Ottomans and the Austro-Hungarians in World War I and the subsequent formation of the Kingdom of Serbs, Croats and Slovenes--later renamed Yugoslavia--in 1918 as an expression of the self-determination of the South Slav groups, united for the first time in their history.

It was during the period of Austro-Hungarian rule of Croatia and Ottoman rule of Serbia that large numbers of Serbs migrated from their original homelands to their present-day homes in the Yugoslav Republic of Croatia. Many Serbs fled from the advancing Turks into regions north of the Danube and Sava Rivers. Many went into present day Vojvodina province, as well as Hungary and the Banat region of Romania. A great many others moved westward through Slavonia and along the Sava, where they settled along the frontier with the Ottoman Empire and were treated well by the Habsburgs in return for their services in defending the border. These Serbs became known as *granicari*, or frontiersmen. Others moved further, to Dalmatia along the Adriatic coasts, where they manned fortresses not only to defend against Turkish incursions but also to combat piracy.

These Serbs came to be known as *uskoks*. As a result of the migrations, pockets of heavily Serbian-inhabited areas formed along what are now the Croatian borders with Serbia and Bosnia-Hercegovina, in the regions of Slavonia, Banija, Kordun, Lika and Knin-Benkova. Thus, the Serbs of this area are not recent settlers but people with roots that go back many generations.[1]

Between the two World Wars, the new Yugoslav state was centralized and largely dominated by Serbs. Indeed, from 1929 it was ruled as a dictatorship by the Serbian royal family of Karadjordje. During that period, anti-Serbian sentiment grew in Croatia, which struggled for, and in 1939 obtained, a degree of autonomy. The dividing of Yugoslavia into a nominally independent but fascist-aligned state in Croatia and a quisling government under German control in Serbia, with the remaining territory absorbed by neighboring countries, however, saw a complete reversal of fortunes.

The population of the new Croatian state, which took in territories that are not part of the present republic, included approximately 2 million Serbs, about one-third of the total population. Serbs, Muslims, Gypsies and Jews all suffered terrible atrocities at the hands of the fascist Ustashe forces, including mass killings and internment in concentration camps such as Jasenovac. The more numerous and rival Serbs, however, were a main focus of Croatian plans, with "one-third to be exterminated, one-third to be deported, and the remainder to be converted to Roman Catholicism," according to one description of Croatian policy.[2] Serbian estimates place the number of Serbs killed at 750,000, with another 300,000 or more deported to Serbia and many of the remainder either forcibly converted to Catholicism or feigning conversion to escape persecution.[3] While some prophesies that history may be repeated can be discounted as pure rhetoric, the memories of the horrors of this period have played a significant role in shaping the attitudes of Croatia's Serbs regarding the present movement toward sovereignty for the republic.

Persecution of Serbs in Croatia led to a Serbian swell in the ranks of the resistance, especially that of the communist Partisans led by Josip Broz Tito. Following the liberation and unification of Yugoslavia under communist rule, Serbs came to hold a disproportionate share of high-level positions in the government and the military. The purge of Croatian nationalists and liberals during the failed Croatian Spring in 1971 perpetuated this situation. Indeed, Croatian nationalism virtually disappeared in the remaining decade of Tito's rule and throughout the 1980's, a direct result of the crackdown in Croatia in the early 1970's. Ironically, while the Serbs have generally argued that they more than any other people were wronged by Tito's policies, the Serbs in Croatia may have, on net, benefited from his rule.

The bold initiatives toward greater openness in society and political pluralism taken by Slovenia in the period from 1988 to 1990 stimulated a cautious liberalization movement in Croatia during the same period. This movement gained momentum after the scheduling of multi-party elections in Slovenia; in fact, Croatia was able to hold its own multi-party elections on April 22, 1990, only two weeks after those held in Slovenia. A Serbian Democratic Party formed and participated in the elections, winning five seats in the republic's assembly. In addition, approximately one-third of the 73 delegates in the new assembly representing the renamed League of Communists of Croatia/Party of Transformation, the ruling party from World War II until the elections, were ethnic Serbs.

The clear winner, however, in what was an essentially free and fair race--despite some irregularities--was the Croatian Democratic Union (CDU), which had a program stressing nationalist themes and sovereignty for Croatia. The CDU was led by Franjo Tudjman, a wartime partisan, Yugoslav general, historian and, on two occasions, political prisoner. Advocating, at the very least, the transformation of Yugoslavia into a loose confederation of sovereign republics, Tudjman was highly critical of the Serbian leadership and expressed concern over what he called "Great Serbian hegemonistic desires." Internally, he claimed that Serbs, while comprising 11 percent of the population, accounted for 45 percent of the people "running things" in Croatia. The first sign of troubles between Croats and Serbs in the republic was revealed during the campaign by an alleged assassination attempt on Tudjman by an ethnic Serb in March 1990.[4]

Recent Developments

In the year since the Croatian elections, the relationship between the Serbs of Croatia and the Croatian Government has polarized significantly. Several factors have produced this result. First, the new Croatian Government has taken highly nationalistic positions in its pursuit of sovereignty and independence, often overlooking the concerns and sensitivities of the Serbs and even other minority groups in the republic, such as the Italians of the Istrian Peninsula. Second, the Serbian community in Croatia contends that it is not a minority, but rather a part of the larger Serbian "nation" in Yugoslavia, making the debate over the future relations between the republics will establish between each other a genuine concern. Finally, there have been allegations that the Serbian Government has, in fact, instigated troubles among Croatia's Serbs to provoke a Croatian crackdown which would deflect criticism of Serbia's treatment of the Albanian population in Kosovo.

Following the elections, the new Croatian leadership made overtures to the Serbian community, including an offer for Serbian Democratic Party leader Jovan Raskovic to join the new government. This offer was refused, and the one Serbian official who did participate in the government at a high level later resigned in protest at the insensitivity shown toward Serbian concerns during a debate on the republic's new constitution in December 1990. The constitution read that Croats would grant equal rights to minority groups after a proposal by Serbian delegates to the assembly that would have given all peoples of the republic equal status was rejected.

Other, smaller actions taken by Croatia's new leaders touched Serbian sensitivities, especially those dealing with Croatia's history, in particular during World War II. Even as far back as the election campaign, there were complaints about Franjo Tudjman's attempt to minimize the extent to which atrocities were committed in Croatia during World War II. While most Serbian community leaders did not label Tudjman an Ustashe sympathizer (he was a Partisan, and his parents were killed at the hands of Ustashe forces), they have made such accusations generally about factions of the senior CDU membership.

One relatively minor incident illustrates the sensitive nature of Serb-Croat relations. In December 1990, Croatian officials changed the name of a square in the capital of Zagreb from the "Square for the Victims of Fascism" to the "Square of Croatian Giants." The name change, ostensibly undertaken because the previous name implied to governmental officials that Croats were fascists, actually produced an opposite reaction by Serbs, who called the new name evidence of hidden sympathy for the Ustashe past within the CDU. Jews and even Croats in the republic criticized the move, saying that the decision to change the name of the square was an example of a lack of sensitivity if not nationalist sentiment within the CDU that discriminated against non-Croats. Others added that the decision ignored the many Croats who also perished at the hand of the Ustashe regime.[5] While such actions are not violations of minority rights *per se*, they certainly have not fostered a climate of trust within the Serbian community, even if Serbian claims that such moves arose fears of a return to Ustashe persecution are no more than intentionally inflammatory rhetoric.

More concrete complaints involved the replacement of Serbs who were members of the republic's police forces, officials or senior managers of economic enterprises, on the basis of their ethnicity. As an example, one Serbian representative has claimed that in the city of Drnis, which is reported to be 25 percent Serbian, the ethnic Serbian officers who represented about 30 percent of the local police force were all removed, and all of the local judges were fired. Serbs also claim that some business enterprises have been declared bankrupt in order to dismiss Serbian workers, since after the dismissals new enterprises have been established with only Croatian employees.

Croatian officials deny many of these accusations, such as the dismissal of Serbian enterprise managers. They acknowledge that, in regard to the police forces and, to a lesser extent, judges and other government officials, a disproportionate number of ethnic Serbs have been removed, and that new recruits are, for the most part, entirely ethnic Croats. They point out, however, that this dropping of Serbs was not due to the fact that they were Serbs but because they were remnants of the old communist bureaucracies, which needed to be replaced if Croatia is to achieve real democratic development. Because the Serbs had a privileged status under the communist system, they conclude, democratic changes in Croatia necessitate that these Serbs be "de-privileged." To document their case, Croatian officials claim that approximately 60 percent of the police force in the Croatian republic was ethnically Serbian, while Serbs accounted for only 12 percent of the republic's total population.

Related to the personnel changes in the police forces were the Croatian authorities' attempts to remove weapons from local police units in Serbian populated towns in September and October of 1990. As a result of Serbian restiveness in the republic and efforts leading to a proclamation of autonomy, the authorities apparently felt that removing weapons from Serbian police officers was necessary to maintain public safety. Indeed, there were reports earlier in the year that Serbs, learning that weapons were being transported, commandeered the trains and stole the weapons. Periodic shooting and bomb explosions were also reported earlier in the year. Confrontations became more public as well, with rioting between Serbs and Croats at soccer matches in Split and elsewhere in Croatia.

In any event, Serbian residents in many of these towns would hear about approaching Croatian paramilitary units in advance and, fearing being left defenseless, would confiscate weapons from the local police before the Croatian units would arrive. Near Knin, numerous road blocks were also set up as obstacles to the approaching Croatian units. In other towns, such as Petrinja, demonstrations formed around the Croatian units which became violent, prompting these units to fire tear gas into the crowds. In Dvor na Uni, Croatian units searched homes for weapons without warrants after discovering that the weapons normally kept at the local police headquarters had been taken by the population. While the Croatian units appeared to have refrained from initiating violence and resorted to tear gas as opposed to live ammunition when the situation became difficult, in fact only Serbian-inhabited and controlled towns were affected by the disarmament plan.[6]

On the broader level, the position of the Croatian Government vis-a-vis the Yugoslav federation has been central to tension between Serbs and Croats in Croatia. From the beginning, the CDU had taken the position that the federation was no longer a tenable framework for the Yugoslav republics, and had advocated the formation of a loose confederation in which the republics would have declared sovereignty and relative independence in their economic and political development, including in the sphere of foreign relations. The Slovenian Government, also formed as the result of the popular election of a right-of-center opposition (the DEMOS coalition), took even bolder positions, and Croatia threatened to follow Slovenia if it decided to secede completely. In July 1990, amendments to the republic constitution were passed that included a declaration of Croatia's sovereignty. The Croatian Government then began the formation of paramilitary units in apparent violation of federal law. In February 1991, the Croatian Assembly passed a law which invalidated all federal laws. This action was taken only one day after a policy of "disassociation" from the federal government was adopted by Slovenia.

Croatia's stand against a centralized political or economic power in Yugoslavia, and its threat to secede from Yugoslavia altogether, has been opposed by Serbs in the republic and throughout Yugoslavia. They have argued that, while they may live in different republics, they comprise one nation in Yugoslavia and this nation cannot be divided. Such a division would, in effect, lower the status of the Serbian community of Croatia to that of a minority, leaving them vulnerable to possible persecution by the Croatian majority without the protection from federal Yugoslav forces or their fellow Serbs. To them, this was not acceptable. Therefore, Serbian representatives conclude, either Yugoslav unity must be retained or the borders of the republics, which they consider to be purely administrative, must be changed. This has been not only the position of the Serbian community in Croatia but of the Serbian Government in Belgrade as well.

Bringing their threat into action, on July 25, 1990--the same day that Croatia's sovereignty was first declared--over 100,000 Serbs gathered in the town of Srb to issue a declaration of autonomy and to form a Serbian National Council. A few days later, the National Council, headed by Knin mayor Milan Babic, called for a referendum which was almost immediately declared illegal by the Croatian authorities but nevertheless went ahead as scheduled, from August 19 to September 2. The ballot stated: "For Serbian Autonomy--Yes or No." It was explained that, as long as Croatia remained in a federated Yugoslavia, a "yes" vote would mean cultural autonomy, such as having their own schools, creating publishing houses and using Cyrillic script, and setting up a local Serbian television station. President Tudjman had, in fact, already agreed to Serbian cultural autonomy, some aspects of which were already practiced, even if not to the full satisfaction of the Serbian population. If Croatia were to move beyond a federation, however, the Serbian National Council explained that the referendum would constitute territorial autonomy.[7]

The referendum created an extremely tense atmosphere in Serbian-inhabited areas of Croatia. According to press reports, Serbian leaders had established armed civilian patrols in the region surrounding Knin. The Yugoslav military, which so far stayed out of the dispute, nevertheless intervened when three helicopters of the Croatian Interior Ministry bringing police reinforcements to the town of Gracac were ordered by Yugoslav Air Force jets to return to Zagreb, reportedly because they had strayed from their announced flight path.

Despite the tension and a decision by the Yugoslav Government that the referendum was not valid, the voting took place as scheduled. Approximately 750,000 votes were cast; the figure, higher than the estimated Serbian population in Croatia, reflected the ability of Serbs originally from Croatia but no longer residing there to return and cast their vote. An overwhelming 99 percent voted "yes," and, as a result, autonomy was formerly declared for a Serbian region called "Krajina" in the region's central city, Knin, on October 1, 1990.[8] Tensions flared again, as Croatia called the whole activity illegal. Barricades were set up and the Croatian Government deployed the paramilitary units to disarm Serbian civilians and police units. Two Croatian police officers were shot and wounded when they refused to hand over their weapons at a roadblock near Knin.[9]

Throughout the remainder of 1990 and into 1991, the stand-off between the Serbs and Croats continued but stabilized, especially as attention throughout the country focused on the multi-party elections being held in the remaining four Yugoslav republics, including Serbia itself. Despite further moves toward Yugoslavia's break-up, such as a Slovenian plebiscite on December 23 in which 95 percent of the voters approved the republic declaring itself a sovereign and independent state, progress at finding a peaceful solution began. Discussions held in January 1991 among the republics' six presidents, along with the 8-member collective Presidency of Yugoslavia and Yugoslav Prime Minister Ante Markovic, were followed by further collective and bilateral meetings. An attempt by the Yugoslav Presidency to reduce tensions in Croatia produced an opposite result, however, when the Croatian Government's refusal to disarm its paramilitary units of their weapons--discovered to be clandestinely imported from Hungary--led the Yugoslav military stationed in Croatia and then the paramilitary units to mobilize. Both sides agreed to call off the alert, but tensions resumed again in February 1991 when Serbs took control of the police headquarters in the Slavonian town of Pakrac. Croatian police forces stormed the building and regained control, but Yugoslav military units were temporarily deployed to separate the Croat police from demonstrating Serbs. While considered to have a less militant position than Serbs closer to the coastal areas, the Serbs of Pakrac were nevertheless proclaiming their support for the declared autonomy of the Serbs in Kninska Krajina.

Two weeks after the Pakrac incident, the Serbian Government in Belgrade, itself under pressure from opposition protestors within Serbia, proclaimed Krajina a Serbian autonomous region separate from Croatia. The proclamation was viewed as an attempt to provoke the Croatian Government to take action that would necessitate Yugoslav military intervention. It also took place as the Serbian representative on the collective Presidency of Yugoslavia--who was, in fact, serving as its President--resigned and the Serbian Government declared that it no longer recognized federal authority. While a tremendous political vacuum was created, neither chaos nor violence resulted, and the federal bodies returned to their normal functioning shortly thereafter. These actions, according to Croatian officials, confirmed that Serbian restiveness in Croatia was, in fact, being instigated by the Serbian leadership in Belgrade and Serbian President Milosevic in particular.

Problems continued in the Krajina region into April. First, Serbs sought to wrestle control of the nearby nature park, Plitvice. Shooting between Croatian police and Serbian civilian units followed, again prompting Yugoslav units to intervene. Later in April, further confrontations were reported, as the Serbs blew up a rail line through the region and the Yugoslav Army moved into two Serbian towns in Croatia at the request of self-proclaimed "Krajina officials" who complained of the establishment of Croatian police units. Croatian officials criticized the move but also took no action to stop it, claiming that they wanted to avoid further violence. In May the Serbs in Krajina established their own parliament and stepped up their intimidation of Croats living in the Krajina region.

Violence escalated in May 1991, as 3 Serbian civilians and 12 Croatian police officers were killed in Borovo Selo in what was labelled an ambush in which the Croat officers were "lured into a trap" and then "mutilated, decapitated...treated in the most bestial manner."[10] Fighting soon spread to several locations, prompting further military intervention and causing some Serbs and even Croats living in eastern Croatia to flee into neighboring Vojvodina. Croatian owned business in the Knin area were vandalized or destroyed. On May 13, the Serbs of Croatia held a second referendum, in which practically all of the 73 percent of the eligible voters allegedly voted to leave Croatia and join Serbia. Six days later, following successful Serbian Government attempt to block the Croatian representative on the state Presidency of Yugoslavia, Stipe Mesic, from becoming President of that body in what was supposed to be a normal transition, a referendum was held in Croatia in which 86 percent of the Croatian republic's eligible voters (the Serbs allegedly boycotted) took part. In this referendum, 94 percent voted in favor of Croatian sovereignty and 92 percent voted against remaining in a united Yugoslavia.[11]

Conclusion

Since the creation of a nationalist government in Croatia in 1990, there have been increasing complaints of human rights denials by the Serbian community in that republic. While there is some evidence of discrimination against Serbs and a general insensitivity to Serbian concerns arising from the atrocities committed against Serbs in Croatia during World War II, the situation has more to do with disagreement between Serbs and Croats over the future of Yugoslavia than with human rights violations. Serbs were able to participate in the multi-party elections in April 1990, to have representation in the Assembly, and to express their views despite the extent to which the Croatian Government does or does not agree with them.

The recent troubles between Serb and Croat in Croatia, may be instigated in large part by Serbian President Slobodan Milosevic as part of larger arguments between the republics on the future of Yugoslavia. Even if this is true and the creation of the region of Kninska Krajina is its result, however, this does not mean that Serbs in Croatia do not have legitimate concerns about becoming a minority in a sovereign and possibly independent Croatia. Some Serbian representatives, in fact, do not question Croatia's right to its sovereignty as long as the rights of the Serbian community are adequately protected in the Croatian constitution and subsequent laws. Some Serbs in Slavonia, in fact, have been critical of their militant brethren for "propagating falsehoods,"[12] despite concerns they may nevertheless have regarding the protection of their own rights.

In general, it seems as that the genuine concerns of Serbs in Croatia have been used by the Serbian Government and more militant Serbs in Croatia as a pretext for forcing a showdown with the Croatian Government regarding the future of Yugoslavia as a whole and claims over Croatian-held but Serbian-inhabited territory.

Endnotes

1. Fred Singleton, A Short History of the Yugoslav Peoples, pp. 35-60 (1985).

2. *Id.*, p. 177.

3. *Id.*, pp. 177-181.

4. U.S. Commission on Security and Cooperation in Europe, *Report on the Elections in the Yugoslav Republics of Slovenia and Croatia*, in: Elections in Central and Eastern Europe, pp. 75-76 (July 1990).

5. Blaine Harden, *What's in a (Yugoslav) Name?* The Washington Post (January 29, 1991).

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9. Laura Silber, *Serb Rebels Shoot Croat Policemen*, Financial Times (October 4, 1990).

10. Reuters News Service, as quoted in RFE/RL Daily Report, No. 86 (May 6, 1991).

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Roma in Europe

The social and political revolutions which have taken place in Europe over the last 2 years have created unprecedented opportunities to achieve cooperation and cohesion among a wide range of social and political groups. But the Holocaust throws a long shadow, one that continues to create doubt and insecurity about the abilities of diverse ethnic groups to live together peacefully. Indeed, many groups have voiced the fear that newly gained freedoms will translate into a freedom to hate and to destroy, a freedom to express long-repressed intolerance and bigotry.

Fortunately, this is not necessarily a self-fulfilling prophecy to which countries must be resigned. The June 1990 Copenhagen Document reflects both the responsibility of governments to play a constructive role in this area and their special obligation to do so in the case of Roma: "The participating States clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds. In this contest, they also recognize the particular problems of Roma (gypsies)."[1]

To write about Roma is an almost insurmountable challenge. Compared to many other ethnic groups in the CSCE participating States, there is little information available about them, and what information exists is often contradictory, incomplete, or unsubstantiated. There is no single group that authoritatively speaks for all of them and no country that lobbies on their behalf. Indeed, it might be possible to overlook if not ignore the shrouded caste that exits in virtually every CSCE country and goes by the pejorative misnomer, "Gypsies."

But their case is too compelling, their lives too real to be simply dismissed in such a manner. Although little is known about them and probably even less is understood, this much is clear: From the Inquisition to the Holocaust, Roma have suffered humanity's worst abuses. They have been enslaved and targeted for genocide. They have been alternately subjected to forced assimilation and to virtual apartheid. They have been compelled to submit to involuntary sterilization and have had their children seized from them. And yet they have endured and survived.

Today, there is a revival of Romany culture and heritage. This section examines the special difficulties these people confront in their struggle to preserve and promote their language, history, and way of life.

Who are Roma?

Roma are believed to be the descendants of a people from northern India who, beginning around the 10th century, migrated in successive waves through Persia to Europe. By the beginning of the 14th century, they were present in many regions of the continent.

By the 20th century, they had migrated to North and South America and to Australia. The provocation for their massive migration remains a mystery.

The name "Gypsy," which Roma are more commonly called, is a corruption of the word "Egyptian," reflecting the mistaken belief that Roma had come from Egypt. Although many Roma continue to identify themselves as "Gypsies," some consider this word, and its variants in other languages (e.g., *zigeuner*, *zingari*, *gitans*, *Tsiganes*, etc.), as pejorative. Instead, they prefer their native terms, which are used in this text: Roma, the plural form for the people; Rom, the singular for a person; and Romany (sometimes spelled Romani) as the adjectival form. Some groups of Roma identify themselves by historic names such as Manush or Sinti.

The Romany language stems from the Indo-European family and is related to Sanskrit or early Hindi. Over centuries of migration and dispersal, this language has evolved into numerous dialects, some so different from others that the speakers can no longer understand each other. The Romany vocabulary also reflects the influence of the many cultures with which the Roma have been associated, from Persian to Slavic. There are currently attempts underway to record and standardize the language in an effort to facilitate communication between different groups of Roma, to promote education among Roma by using their own language, and to preserve an historic tongue from extinction.[2]

The Roma are a caucasoid people. Although some are indistinguishable from the members of their neighboring ethnic communities, others can still be identified by their dark features. Other characteristics of the Romany lifestyle and culture may also make them readily distinguishable as a group. In particular, some Roma still adhere to a nomadic lifestyle, moving from place to place by caravan. The exact origins of their nomadism is unknown. Although it is often suggested that Roma have an almost mythical predisposition to wander, patterns of seasonal travel may be traced back to the practice of banishing Roma from European cities, a penalty to which the Roma were subjected in Europe for centuries, almost from their first appearance on the continent.

It is not known how many Roma continue to be nomadic. Although nomadism is perceived as a "typical" Roma trait, it appears that significant numbers of Roma have settled in the post-World War II era--sometimes of their own free will and sometimes, particularly under communist leaderships, by force. As a consequence, it is believed that most Roma today are settled.

In the post-war era, relations have developed between Romany groups and the Indian government. Prime Minister Indira Gandhi attended the 2nd International Roma Festival, held in 1983 in Chandigarh, the capital of the Punjab.[3] Although New Delhi has embraced the Roma as the "lost children of India,"[4] this has not translated into a political relationship. India does not lobby on behalf of Roma communities and no country plays the advocacy role for Roma that, for example, Israel does for the Jewish diaspora or that

Hungary does for ethnic Hungarians living in other lands. In this sense, the Roma are like the Kurds although, unlike the Kurds with Kurdistan, the Roma do not have ties to any specific geographic region.

The exact size of the current Roma population is unknown. It has been estimated that there are 10 million Roma outside of India, of whom approximately six million live in Europe. Yugoslavia has the largest number of Roma, approximately 850,000.[5] Bulgaria, Hungary, Czechoslovakia, Romania, Spain, and Turkey also have considerable Roma populations, sometimes forming significant percentages of their citizenry.[6] The U.S. Census Bureau estimates that there were 6,322 Roma in the United States at the time of the 1980 census. Significantly, the birth rate for Roma tends to be considerably higher than the average for the general population, at least in Europe.[7] Thus, the significance of the Roma communities is growing.

Still, the actual number of Roma is highly contentious.[8] For example, in the 1980 Hungarian census, only 6,404 people identified themselves as Roma although official and unofficial estimates of the actual numbers range from 380,000 to over 1 million.[9] Typically, it is suggested that official figures are too low because Roma, fearing persecution, will identify themselves as some other ethnic group. Indeed, this is not an unfounded fear. An estimated quarter to one-half million Roma were subject to a methodical and purposeful extermination during the Holocaust.[10]

What are the Problems of the Roma?

By far the most oppressive obstacle confronting the Roma is the epidemic, crude, and deeply ingrained prejudice that they face in every community in which they exist. Like African Americans, Roma were once seen as sub-human, suitable for slavery and unworthy of the dignity and respect that inheres in all people simply by virtue of their humanity. The legacy of their years of slavery and degradation haunts the Roma to this day. Indeed, the attitudes of majority populations in many respects creates a vicious self-fulfilling prophecy: Roma, condemned as ineducable before they can even begin school, labeled as thieves before they are old enough to seek work, and largely written-off as the dregs of society, have little if any opportunity to rise above these stereotypes. No wonder, then, that middle class, professional Roma are perceived as an oxymoronic curiosity.

Unfortunately, this unvarnished prejudice continues to manifest itself in the most unambiguous terms. For example, during a recent visit to the United States by a group of Bulgarian parliamentarians, the legislators went into a small Minnesota grocery store. Immediately thereafter, an announcement was made that shoppers should be on guard because a "suspicious group" had come into the store; the legislators were then unceremoniously thrown out of the store on the mistaken belief of the proprietor that they were Roma. The owner later said he was sorry if he was mistaken about the group's identity, but had they been Roma he would have wanted them to leave "even faster."[11] Stories like this are common place throughout the CSCE countries.

A series of polls conducted in Hungary, Poland, and Czechoslovakia further illustrate the prevalence of such views. Moreover, negative attitudes about Roma consistently far outstripped those expressed towards other groups. For example, 76 percent of the respondents in Hungary, 72 percent in Poland, and 85 percent in Czechoslovakia said they would prefer not having any Roma in their neighborhoods--a stronger feeling than that expressed towards Arabs, Blacks, Asians, Russians, or Jews.[12] When asked if "Gypsies" behave in a manner which provokes hostility, 69 percent of the respondents in Hungary said yes, 43 percent in Poland said yes, and 87 percent in Czechoslovakia said yes--much higher percentages than for Romanians, Soviets, Germans, or Jews.[13] Such quantitative analyses only strengthen the fear among Roma that they are at risk of being the targets of a new wave of pogroms, especially in countries where economic dislocation may fuel existing intolerance.

Even now, Roma are all too frequently the target of organized acts of violence.[14] Most recently, in the Romanian village of Bolintin Deal, a group of Roma were barely rescued from some 2,000 villages who attempted to lynch them.[15] Even more disturbing, public officials often demonstrate, at best, little or no interest in effectively prosecuting such incidents or, at worse, complicity in them. A recent report by Helsinki Watch notes that, "trademarks of the ethnic conflicts in Romania were the failure of the local police and army to protect ethnic groups under attack and, at times, the active participation of the authorities in these attacks. . . . yet there appears [to be] little governmental interest in establishing the true nature of police and army participation in ethnic conflicts."[16] Official neglect stands in sharp contrast to the obligations undertaken by the participating States in the Copenhagen Document, particularly the commitment to "take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity..."[17]

Pervasive discrimination can also take its toll in more subtle forms than outright violence. For the Roma, the long-term effects of social prejudice are particularly evident in economic and social contexts. Like African Americans, the infant mortality rate of Roma is higher than their majority population counterparts; their life expectancy is shorter; and their levels of illiteracy and unemployment are greater.[18] Roma everywhere are economically disadvantaged but in poor countries, such as Romania and Albania, Roma are the poorest of the poor. These facts serve to reinforce the prejudices of some people who believe that Roma are simply an innately "inferior" people. For a growing number of Roma, these realities underscore the pressing need for both Roma communities and governments to take concerted action to redress these disparities.

Thus far, there is not much consensus among various Roma non-governmental organizations regarding an appropriate course of action. This may be due in part to a recognition of the relationship between these economic and social problems and historic Roma nomadism, a subject which evokes a sort of national split-personality in Roma writings. Some Roma seem to see settling as a long-denied right; others seem to fear that settling will mean assimilation and a loss of Roma culture and language.[19] The end result tries to cut both ways, accommodating the needs of the nomadic community while eradicating barriers which would make it difficult for those who wish to settle to do so.[20]

Removing barriers to settlement is, at least conceptually, easier to manage. Accommodating the needs of nomadic Roma, often known as "Travellers," is more difficult in that it implies a *collective* right to nomadism. Should states provide special education, special housing, and special camp cites for Roma in order to enable them to maintain their historic, nomadic way of life? Should states, collectively, make special provisions for Roma in terms of citizenship and trans-border access? These questions drive to the very heart of complex issues in the area of minority rights. Indeed, it is likely that Roma themselves may still be exploring the full range of implications this problem suggests. For example, many of the traditional trades and occupations which supported wandering communities are simply no longer viable on even a limited scale. Can whatever market there may be for horse traders,[21] bear trainers, and tinsmiths[22] support the growing Roma population? Probably not.

There are many other problems complained of by Roma groups: compulsory sterilization of women in Czechoslovakia; archaic anti-"Gypsy" laws in the United States and the United Kingdom; removal of Roma children for adoptions without cause and without parental consent in Romania, Hungary, and Switzerland; the failure of the German government to provide reparations for Nazi war crimes to Roma survivors of the Holocaust; and the denial of the right to self-identification in many countries. In some of these cases, the practice complained of may have ceased in the wake of recent political changes; this appears to be the situation, for example, with respect to forced sterilizations in Czechoslovakia.[23] In other cases, it may be possible now to seek remedies within the framework of existing national legal, administrative, and political systems, as well as through the legal machinery of the Council of Europe.

But those and other avenues for redress will remain blocked as long as Roma lack the ability to organize themselves into effective political groups capable of manifesting their own political will. To some extent this lack of empowerment is the direct of result oppressive governments which for years denied Roma their right to freedom of association; indirectly, it can also be traced to a lack of education and literacy. Altogether, Roma organizations have insufficient information and training to utilize effectively existing legal and political structures for their own protection. Slowly but surely, though, this is changing.

Since 1987, an organization called the International Romani Union, linking an ever growing number of grassroots associations, has had consultative status with the United Nations as a non-governmental organization. Increasingly, these organizations are emerging in Eastern Europe and elsewhere, forging new ties and filling in old gaps. Roma representatives participated actively in the parallel activities of the 1990 Copenhagen

Meeting of the Conference on the Human Dimension and are expected at the 1991 Geneva Meeting of Experts on National Minorities. Hopefully, the increased activity and participation of Roma in all the participating States will contribute to improved protections of their individual civil and political rights as well as their ability to protect and promote their ethnic, linguistic, and cultural identity. At the very least, it should enable the participating States to more effectively address issues of non-compliance.

Endnotes

1. Para. 40.

2. *Forging a New Gypsy Spirit: Will Sanskrit Help?* The New York Times, Aug. 27 1990.

3. Puxon, *Roma: Europe's Gypsies*, MINORITY RIGHTS GROUP REPORT NO. 14 (1987), at 3.

4. *Id.*

5. Puxon, *supra* note 3, at 13.

6. *Id.*

7. Puxon, *supra* note 3, at 4.

8. *See, for example,* Barany, *Hungary's Gypsies,* REPORT ON EASTERN EUROPE, (July 20, 1990) at 26; Ionescu, *The Gypsies Organize*, REPORT ON EASTERN EUROPE (June 29, 1990) at 39.

9. Barany, *supra* note 8, at 26.

10. Submission by the Romani International Union and the Federation Internationale Des Droits de l'Homme before the 47th Session of the U.N. Commission on Human Rights, Feb. 25, 1991, at 1.

11. *Bulgarian Delegation Ejected From Grocery*, Washington Post, Apr. 2, 1991, at A10.

12. *Democracy, Economic Reform and Western Assistance in Czechoslovakia, Hungary and Poland*, A comparative public opinion survey conducted and prepared for Freedom House and the American Jewish Committee (Apr. 1991), table 36 at 63.

13. *Supra* note 12, table 38 at 65.

14. *Supra* note 10, at 1.

15. Radio Free Europe/Radio Liberty Daily Report No. 89, May 10, 1991.

16. *Since the Revolution: Human Rights in Romania*, A Helsinki Watch Report (March 1991), at 23. These incidents are not unique to Romania; the International Helsinki Federation is compiling a series of reports, drafted by national Helsinki Watch committees, that will more closely examine the situation of Roma in a number of European states.

17. Para. 40.2.

18. *Supra* note 3, generally.

19. "Under common harassment, some [Roma] become 'problem' families dependent on 'welfare', while the stronger opt out of the Romani community. Deprived of its most capable members, the group as a whole is less able to adjust." *Supra* note 3, at 9.

20. *Supra* notes 3 and 10 generally; *see also The Founding Declaration of the Hungarian non-governmental organization, the "Phralipe Independent Gypsy Organization"*, Budapest, March 1989.

21. *Supra* note 3, at 11.

22. Radio Free Europe/Radio Liberty Daily Report, No. 68, April 10, 1991.

23. *Supra* note 10, at 1.

Hungarians in Romania

There are approximately 2 million ethnic Hungarians in Romania, a country of some 23 million. Most of the ethnic Hungarians live in the western region known as Transylvania, a culturally rich and ethnically diverse area whose complex history has figured prominently in the national ideologies of both Romania and Hungary.

The post-war communist leadership, despite its professed commitment to minority rights, systematically carved away at expressions of Hungarian culture. Hungarian-language educational opportunities were hampered or removed altogether, Hungarian-language publishing houses saw their budgets sharply reduced, minority theatres, houses of culture, and folklore groups were forced to merge with Romanian organizations. Because the government assigned graduates places of work and residence, Hungarian-speaking professionals often found themselves transferred to overwhelmingly Romanian areas, while Romanians were placed in what once were homogenous minority areas. This process of forced assimilation accelerated under Nicolae Ceausescu, and grew increasingly ominous and violent.

The Romanian Revolution of December 1989 began in the Transylvanian town of Timisoara, when Hungarians and Romanians alike united to defend a popular local pastor against state persecution. This local conflict, an expression of a community united against state oppression, exploded into a full-blown revolt against Ceausescu and his regime. The euphoria that followed the revolution was captured by the words of Karoly Kiraly, a leading advocate of minority rights: "We are going to be free Hungarians in a free Romania!"

Indeed, the initial outlook was promising. The National Salvation Front that had taken power after Ceausescu's fall declared its commitment to guaranteeing minority rights and began a process of reintroducing Hungarian-language education. But hostility and tension at the local level stalled progress, and a series of demonstrations in the early months of 1990 led into the bloody inter-ethnic clashes that took place in Tirgu Mures in March.

The emergence of an aggressive nationalist lobby, *Vatra Romaneasca* ("Romanian Hearth"), and a vicious xenophobic press, has cast a dark cloud over the hopes for inter-ethnic harmony that flourished after Ceausescu's fall. While the situation of Romania's ethnic Hungarians has undoubtedly improved, more progress remains to be made. More time will be necessary to overcome the hostility and mistrust that has built up between the Hungarian and Romanian communities, but more effort will be necessary to correct the misinformation and slander that are poisoning the chances for reconciliation.

Background

There are 22 ethnic minority groups in Romania, forming roughly 15 percent of a population of some 23 million.[1] The largest of these groups are the Hungarians, numbering perhaps 2 million[2] and concentrated in the western part of the country known as Transylvania. Transylvania is roughly three-fifths ethnic Romanian, and in most of the region's counties the Hungarians are clearly a minority--albeit a substantial one. They are joined by a German minority as well as smaller groups of Serbs, Ukrainians, Bulgarians, Czechs and Slovaks, plus an unspecified number of Roma (Gypsies).[3] But in several counties, such as Satu Mare and Mures, the Hungarians approach roughly half the population, and in Covasna and Harghita they form a considerable majority.

The history of Transylvania is complex and plays a major role in the national beliefs of both Romania and Hungary. Academic conferences have been convened to debate the question of who settled in Transylvania first, or who has maintained the longest continuous presence in the region. Deep emotions on both sides cause otherwise reasonable and reasoned representatives of the two nations to bristle or make angry accusations. Hungarians, some Romanians insist, are arrogant and demanding, and they oppressed minorities when they had the chance. Romanians, some Hungarians assert, are violent and uncivilized interlopers. Hungarians say Transylvania (Erdely in Hungarian) is the cradle of their civilization. Romanians say it is the birthplace of Romanian culture and an inalienable part of the Romanian body politic. Romanians are skeptical of Hungarian promises to respect current borders. And Hungarians are suspicious of Romanian assurances to uphold the needs and rights of other ethnic groups.

The first inhabitants of Transylvania were the Dacians, an Indo-European tribe. In the Romanian version of history, the Dacians, who were conquered by the Roman Empire in 106 A.D., are the early ancestors of the Romanian nation. This "Daco-Roman continuity theory" claims that the fusion of Dacian and Roman cultures was the foundation of Romanian national culture, and that the Romanians are therefore the legitimate heirs to the region. The Hungarian version of history maintains that Transylvania was virtually unoccupied when Hungarian tribes conquered the Carpathian Basin at the end of the ninth century. Hungarian nobles ruled Transylvania thereafter and invited German and Szekler (a Hungarian ethnic group) colonists to settle there in order to promote economic development. According to the Hungarian version, the Romanians did not appear in Transylvania until the 13th century, when nomadic shepherds migrated in from Walachia.

The Kingdom of Hungary was defeated by an invading Turkish army in 1526. The principality of Transylvania remained autonomous until 1867, when it unified with Hungary as part of the Austro-Hungarian Empire. This union with Hungary was ill-received by the Romanians and Saxons living in Transylvania, and the Hungarian effort to "Magyarize" the region was largely unsuccessful.

The Treaty of Trianon, signed in June 1920 at the close of World War I, transferred roughly two-thirds of Hungary's former territory to neighboring lands. Transylvania and its substantial Hungarian population were placed under Romanian sovereignty. For a brief period starting in 1940, Hungary was able to regain control of northern Transylvania, but the Paris Peace Treaties of 1947 gave all of Transylvania to Romania and it has remained in Romanian control ever since.[4]

While language and culture are the most important distinctions among the various ethnic groups in Transylvania, religion also comes into play. Most Romanians are Orthodox, whereas Hungarians and Germans are generally Catholic and Protestant. All members of the Calvinist church are Hungarian, as are Unitarians; virtually all Lutherans are German, and the Baptists tend to be Romanian. Historically, Transylvania has been notable for religious tolerance; the Edict of Turda (1568) "recognized" the Roman Catholic, Calvinist, Lutheran and Unitarian religions and "tolerated" the Orthodox church at a time when religion was the source of great conflict elsewhere in Europe.[5] It is perhaps symbolic that the Romanian Revolution of 1989, which began in the Transylvanian city of Timisoara, started as a united local campaign to defend a popular Hungarian pastor, Laszlo Tokes, against state persecution.

Following the Treaty of Paris, the Romanian authorities began a process of "re-Romanianizing" Transylvania. While the Hungarian minority was granted certain facilities, such as the Hungarian-language Bolyai University in Cluj and the Medical Pharmaceutical Faculty in Tirgu Mures, it was made clear that the curriculum would stress a Romanian communist culture and a Romanian version of history.[6] Constitutional provisions granted all sorts of protection and assurances to minority populations, yet internal regulations and hostile party policies rendered these safeguards ineffective. Efforts to assimilate the Hungarian minority accelerated after Nicolae Ceausescu came to power in 1965, and grew increasingly ominous and violent.

The rupture of the Hungarian minority's ties to Hungary had already begun by the 1950's. Travel to Hungary was severely restricted and subscriptions to Hungarian journals were banned. The Hungarian Revolution of 1956 had serious repercussions in Romania as well; it catalyzed the elimination of the separate Hungarian educational system, climaxing in the 1959 merger of the Bolyai University with the Romanian-language Babes University. Similarly, Hungarian theatres, folklore groups, and cultural organizations were forced to unify with Romanian institutions. Meanwhile, Hungarians were dismissed from almost all important nationwide offices.[7] It became increasingly apparent that despite the stated aims of the law or the leadership, the ability of the Hungarian minority to retain its national identity was diminishing.

While the merger of the Bolyai University was the most symbolic blow to Hungarian-language education, other areas were affected as well. By setting minimum pupil quotas before a class could be taught in a minority language--though no such quota existed for Romanian pupils--and by manipulating the admissions process, authorities were able to ensure that virtually no Hungarian-language subjects were offered. And the state policy of transferring certified Hungarian scholars to regions outside of Transylvania created a lack of Hungarian teachers and provided additional justification for restricting Hungarian-language education.[8]

Culturally, efforts were made to wipe out a visible Hungarian influence in the region. Hungarian-language newspapers were cut back due to alleged shortages of paper, Hungarian publishing houses were subject to sharp budget cuts, and bilingual signs all but disappeared. History textbooks, regardless of their language, concentrated exclusively on the Romanian contribution to Transylvania.[9] In December 1984, Romanian television terminated its Hungarian-language broadcasts and Hungarian-language radio programming was reduced or discontinued altogether. In 1988 Hungarian first names without Romanian equivalents were banned.[10]

Hungarian professionals were systematically sent out of their home regions to areas that were predominantly Romanian, while Romanians were placed in what once were homogenous minority areas. Hungarians claimed in some cases to be paid far less than their Romanian counterparts, or to receive stricter job assignments.[11]

Administratively, Hungarians were excluded from employment in a number of major state ministries, and their presence in the diplomatic service, the officers' corps, and the police was minimal at best. While token Hungarian representation was maintained in the higher Communist Party organs, the real seats of policy-making power--the local party bureaus--were closed to Hungarian participation or were restricted to Hungarians who had accepted assimilation and often themselves refused to speak Hungarian in public.[12]

Ceausescu's 1988 "systematization" program, a plan to raze about half of Romania's almost 13,000 villages and reconstruct others into "agro-industrial centers," was perceived by many ethnic Hungarians as the final attempt to reduce Hungarian culture and history to rubble. While the plan does not appear to have been specifically directed against the Hungarian minority, it is clear that the relocation of ethnic Hungarian villagers whose homes had been destroyed would have further atomized and undermined ethnic Hungarian identity.

Since the Revolution

Shortly after the execution of Nicolae and Elena Ceausescu, Karoly Kiraly, a Vice President of the National Salvation Front (NSF) and an ethnic Hungarian advocate of minority rights, proclaimed, "We are going to be free Hungarians in a free Romania."[13] Indeed, the experience of the revolution had brought the two communities together as never before. In the words of the poet Sandor Kanyadi, "the blood shed for the common cause will be the foundation on which our future will be built."[14]

The Hungarian community began to regroup almost as soon as the Ceausescus escaped Bucharest. An organization called the Hungarian Democratic Alliance of Romania (HDAR) was established in Cluj and issued its aims on December 23, 1989. These included the immediate development of an educational system which guaranteed minority language instruction at every level, the reopening of the Bolyai University, the introduction of mandatory bilingualism in Transylvania, and the right of local government by democratically elected local officials. While initially subordinated to the NSF, which had assumed power immediately after the Revolution, the HDAR became an independent political organization after the NSF announced it would contest the elections scheduled for May 1990. Other ethnic Hungarian parties also formed, including the Magyar Smallholders Party and the Magyar Christian Democratic Party.

Hungarian newspapers and periodicals began to reorganize, firing compromised staff and choosing new names. A Hungarian-Romanian Trade Agreement was signed on January 11, 1990, to allow for the expansion of sales in Romania of books and newspapers published in Hungary. Provisions were made to encourage travel between Romania and Hungary, lifting obstacles that had separated families for years. And Hungarian-language radio broadcasts were allowed to be heard in Transylvania for the first time since 1985.

The initial stand of the NSF with regard to minorities was encouraging. On January 5, 1990, it "solemnly declared that it would guarantee individual and collective rights for minorities,"[15] and announced that a Ministry for Ethnic Minorities would be established to guarantee these rights. On January 6 the new Foreign Ministry declared adherence to the Concluding Document of the 1989 Helsinki follow-up conference in Vienna, which contained important provisions regarding minority rights and had been rejected by the former regime. Sixteen leading ethnic Hungarians including Karoly Kiraly, Laszlo Tokes, and HDAR President Geza Domokos were included on the NSF Council, and a decree was issued on parliamentary elections "that would ensure equitable representation of the minorities based on their proportion of the total population."[16]

Problems began to surface, however, when the new authorities began to address the question of education. The NSF had appointed an ethnic Hungarian, Attila Palfavi, as Deputy Education Minister responsible for minority schools. Palfavi announced in January that the Bolyai University would be reopened in the fall of 1990 with instruction in Hungarian and German, and also that the minorities' right to native-language instruction would be reintroduced, to which end the Ministry of Education was in the process of reorganizing primary and secondary schools.

To implement this policy, Romanian and Hungarian schools were to be separated. In some cases, this meant that Romanian students arrived at school to find they were suddenly barred from entry and had to transfer to other institutions.[17] Local Romanians in mixed Transylvanian communities complained about the sudden change, accusing the Hungarians of separatist tendencies. Palfavi was consequently dismissed on January 27 for "taking decisions on his own in a manner that contributed to creating tension between the

Magyar population and the Romanian population in some Transylvanian settlements."[18]

Another ethnic Hungarian, Lajos Demeny, was selected to replace Palfavi; meanwhile the Minister of Education announced that while the agreements on separation of schools that had come about spontaneously would stand, decisions would be postponed until the next academic year in cases where local agreements had yet to be reached.

The tension already brewing exploded in a series of demonstrations and clashes throughout Transylvania in the early months of 1990. On February 8, several people were injured in Cluj during a confrontation between rival groups. Several days later some 40,000 ethnic Hungarians marched peacefully through Tirgu Mures, protesting the delay in opening Hungarian-language schools. These events helped spark the emergence of *Vatra Romaneasca* ("Romanian Hearth," henceforth referred to as "*Vatra*"), a nationalist organization that aimed to promote Romanian cultural values and accused the Hungarian minority of attempting to garner privileges and rights at the expense of native Romanians.

The education question had been the primary source of conflict, but the celebration of March 15--commemorating the Hungarian revolution of 1848--fueled a frightening increase in rhetoric and violence. On March 19, several hundred Romanians including crowds of *Vatra* supporters marched in Tirgu Mures to protest the March 15 celebrations. Demanding the resignation of prominent Hungarian officials in Mures county, they surrounded the building of the town council and the local HDAR headquarters. In the late afternoon, some 1,000 villagers armed with clubs and pitchforks were bused in from surrounding areas to attack Hungarians in the streets. Then they stormed the HDAR headquarters, ravaging the building and attacking the party officials inside, including the well-known writer Andras Suto who was blinded in one eye.

The next day a predominantly Hungarian crowd of roughly 15,000 gathered in the center of town to protest the violence and demand an official inquiry. *Vatra* supporters again assembled, once more bolstered by ranks of villagers brought in from outside, and once again the rally degenerated into violence. This time the Hungarian groups counterattacked, however, and by midnight when the police and Army finally arrived to break up the clashes, at least five people were dead and several hundred injured.

The violence in Tirgu Mures brought *Vatra* national recognition and in some cases respect. On the other hand, the more liberal parliamentary and extra-parliamentary forces united in opposition to *Vatra*'s claims and program. While *Vatra*'s political wing, the Party for the National Unity of Romanians in Transylvania (PUNR), won only 2.1 percent of the popular vote in the May 1990 elections (as opposed to the HDAR's 7.2 percent), it fared extremely well in the counties of Cluj and Mures--two areas where the school issue had been particularly divisive. And since that time, *Vatra*'s influence has steadily grown; a recent poll gave *Vatra* a 51 percent approval rating--well above any other extra-parliamentary grouping.[19]

Vatra's potential has been fueled by the emergence of a national newspaper called *Romania Mare*, managed by one of Ceausescu's former propagandists, Eugen Barbu. *Romania Mare* is characterized by its aggressively nationalistic tone; one issue, for example, carried a lengthy article by its editor Corneliu Vadim Tudor entitled "1991--The International Year of the Struggle Against Hungarian Terrorism," in which Tudor declared that, due to the "ferocious Hungarian chauvinism in 1990," the only policy that can be adopted by Romanians toward Hungarians is a "policy of force." "Violence," he claimed, "should be answered with violence."[20] Some believe that this kind of writing inflames and encourages inter-ethnic tensions.

Of equal or perhaps greater concern is the tone adopted by the NSF's daily press organ, *Azi* ("Today"). *Azi* has engaged in hostile campaigns against prominent Hungarians like Laszlo Tokes, whom it denounced for "treacherous activity" and accused of being "a Hungarian agent,"[21] and has attempted to discredit members of the political opposition by implying that they are ethnic Hungarians.[22] *Azi* has published anti-Hungarian articles by members of *Vatra*, and also published a front-page photograph of PUNR Senator and *Vatra* Chairman Radu Ceontea and Corneliu Vadim Tudor (see above), praising them for their "courage to say loud and clear that they are Romanians."[23]

In the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (June 1990), Romania and the other signatory States agreed to "take effective measures . . . to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, including anti-semitism" and to "take effective measures . . .at the national, regional and local levels to promote understanding and tolerance, particularly in the fields of education, culture and information."[24] Given this obligation, government acceptance and even support of anti-minority points of view is particularly disturbing. During a televised interview with a Hungarian program, Prime Minister Petre Roman declared that he was not involved with *Romania Mare* but that he would not "see anything wrong" if he were.[25] Similarly, an edition of the Oradea-based journal *Phoenix* published a front-page autograph dedicated by Prime Minister Roman to the journal's readers "With Love"; the same journal carried an urgent appeal to all Romanians to join the "national guards" of the Transylvanian Romanians, whose purpose is to defend Transylvania's territory and the "Romanian national essence" against Hungarian "chauvinism and nationalism."[26]

While Hungarians are reasonably well-represented in parliament, the HDAR being the single largest opposition party, little has changed at the local level. Local elections have been repeatedly postponed, and during Prime Minister Roman's visit to Washington, D.C. during April 1991, he suggested that local elections might not take place until after the new round of general elections planned for the fall. Given that the local administrations are presently in the hands of officials appointed by the NSF, further delay of local elections has an ominous undertone.

In his January 1991 report to the U.N. Commission on Human Rights, Special Rapporteur Joseph Voyame noted that while regulations have been passed concerning education and the separation of schools on the basis of language, strong resistance at the local level has hindered their implementation.[27] In largely Hungarian regions like Mures County, the authorities are aligned with *Vatra* and present themselves as defenders of Romanian interests.[28] The draft constitution, which must be adopted before general elections take place, retains the government's right to appoint each county's prefect. Furthermore, the centrally-appointed prefect has the right to suspend administrative acts of the democratically-elected county council. This provision, some fear, represents the government's intent to control local matters--local elections notwithstanding. Such an outcome would be damaging for all Romanians.

Several other areas of the draft constitution have proven divisive. In its original form, the draft theses for the constitution proclaimed Romania a "national . . . unitary" state, which troubled minority groups who felt this language denied Romania's multi-ethnic character. More controversially, the draft theses suggested that political parties founded on ethnic, religious, or linguistic grounds be made unconstitutional. Following extended debate, this provision appears to have been dropped.

Discrimination in the administration of justice has affected Hungarians on several occasions. The prosecutor and courts of Mures County still have not convicted those who assaulted Andras Suto and others during the clashes that occurred in Tirgu Mures in March 1990; of the 31 people investigated in connection with the events, two were ethnic Romanian, five were ethnic Hungarian, and 24 were of Romany (Gypsy) origin.[29] The only convictions, apparently, have been against Roma and ethnic Hungarians.[30] (It would appear that the Roma were doubly persecuted in this case: partly as a result of the traditional bias against them, and partly because a number of Roma in and around Tirgu Mures had come to the assistance of the Hungarians during the clashes.) Most of the investigations concerning the Tirgu Mures events have been underway for over a year without resolution. In contrast, it took only 2 weeks to convict and sentence several Hungarian teenagers to 2 1/2 years in jail for the "desecration of national symbols." The boys, who were intoxicated, had been climbing on the statue of Avram Iancu, a Romanian patriot, and claimed during their trial that their intent was to "tear down the flag" at its pinnacle, which they had not yet reached at the time of their arrest.[31]

Another area of concern has been the recent decision by the Romanian Television authorities to reduce and redistribute Hungarian- and German-language programming. After the revolution, 3 hours per week were allotted to Hungarian-language broadcasts. In February 1991, shortly after Romania was granted special guest status in the Council of Europe, Hungarian- and German-language broadcasts were cut back and half of what remained was redistributed to the Bucharest channel, which doesn't reach the parts of the country where most ethnic Hungarians and Germans actually live.

Outlook

Significant progress has been made with regard to the rights of the Hungarian minority in Romania, but significant problems remain. Young Hungarians continue to emigrate from Romania to Hungary by the thousands. Prospects for the future will depend as much on the population's ability to overcome centuries of mistrust as on the government's ability to implement balanced policies.

Educational provisions, which have been the focal point of the Hungarian community's demands, have improved; according to the U.N. Special Rapporteur, the number of classes in the minority languages has increased and separate Hungarian-language schools have been established, particularly at the secondary level.[32] Nonetheless, movement to restore the Bolyai University seems completely stalled, and some teachers in the new Hungarian-language schools have reported vandalism and harassment.

In May 1990, the government issued a decision regarding the 1990-91 school year. The decision, which in some ways represented a step backwards from Ceausescu's educational law, was immediately protested by minority groups. In particular, minority groups took issue with articles stating that a minimum of 15 students was required before classes could be established in a minority language; no such minimum was required for ethnic Romanian students. The new regulations further stated that "specialized and technological training as well as practical instruction" must be conducted in the Romanian language.[33] A new law on education is apparently under consideration.[34]

Some individuals and groups, Romanians as well as Hungarians, have urged reconciliation, mutual tolerance and respect. The Romanian-Hungarian Association (based in Satu Mare) sent an open letter to the parliament in March 1991 demanding more active steps toward easing inter-ethnic tensions. The letter emphasized that "nationalistic propaganda" is aimed at diverting public attention from the serious economic and social problems affecting the country, and called on both the PUNR and the HDAR to "soften the tone" of their addresses.[35]

The Civic Alliance, Romania's largest extra-parliamentary opposition group, has also made minority rights part of its program. One of its leaders, a Romanian named Smaranda Enache, is a well-known advocate of inter-ethnic understanding. In addition to international prominence, her emphasis on the need for dialogue and peaceful coexistence has earned her intimidation and harassment through anonymous letters and phone calls as well as repeated attacks in the nationalist press.

Following a January 1990 television interview in which she supported the rights of the Hungarians in Transylvania to have separate language schools starting in the fall, local residents organized a petition to ban Enache from running as an independent candidate for Parliament. Their effort was successful; the court stated in its decision that her interview had "contributed to the destabilization of education in schools in Tirgu Mures," which was grounds for disqualifying her candidacy.[36] In April 1991, after subjecting Enache to a new "exam," county authorities announced she was no longer fit to retain her position as director of Tirgu Mures' bilingual puppet theater. Enache, who has appealed the decision with the Ministry of Culture in Bucharest, remarked that the competency exam "was more like the Inquisition" than a dialogue, and that the review board was dominated by *Vatra* members.

The hostility and backlash directed against the single person of Smaranda Enache is symptomatic of the greater fears and tensions between the Romanian and Hungarian communities and indeed between the two countries themselves. Romanian-Hungarian bilateral relations remain strained, despite a brief improvement after Ceausescu's overthrow. While various agreements have been reached, including a military agreement of "good neighborliness," an educational agreement, and a Romanian-Hungarian cultural agreement, efforts to open a Hungarian consulate in the Romanian city of Cluj have been repeatedly stalled, and officials of each government have continued to criticize and accuse the other of insincerity and intransigence.

Part of the conflict stems from Hungarian President Arpad Goncz's position that the Hungarian Government has a duty to support the aspirations and rights of all Hungarians, even those outside Hungary's borders. The Romanian Government considers it inappropriate to discuss Romania's ethnic Hungarian minority on a bilateral level; as Romanian Foreign Ministry spokesman Ambassador Traian Chebeleu stated,

> ...there is no such thing as a "Hungarian-Romanian problem"; there is no problem between the two countries and therefore nothing to solve within a European or any other framework ....What truly exists is a state of tension artificially created and managed by the Hungarian side, also by taking advantage of the difficulties Romania is facing in the present process of transition toward a democratic and pluralist society and a market economy. The tension will cease when the Hungarian side decides to observe the principles of inter-state relations enshrined in the CSCE documents.[37]

While Hungary supported Romania's bid for special guest status at the Council of Europe, Hungarian officials have not hesitated to snub or criticize Romania in other international arenas. Foreign Minister Geza Jeszenszky delivered a critical assessment of Romania's human rights performance before the U.N. Commission for Human Rights, and Prime Minister Jozsef Antall denied Romania's request to take part in the multilateral consultations which took place in February 1991 in Visegrad, Hungary, along with Poland and Czechoslovakia. Both Hungary and Romania have indicated an interest in developing a better bilateral relationship, and parliamentary delegations from both countries have made advances toward improving and deepening relations. Nonetheless, progress seems bound to be slow.

As with so many issues associated with the complex transition from communism to a free society, civic and social education may be the most important step toward achieving inter-ethnic harmony in Romania. Romanian residents of mixed ethnic communities have been known to claim there is nothing wrong with "their" Hungarians--that it's only the ones they hear about in neighboring towns or read about in the nationalist press that are causing troubles. Better access to accurate information nationwide, through an independent television station, for example, would help to separate truth from rumor. Similarly, a frank evaluation of each side's fears and aspirations would help to erase the worst stereotypes--that the Romanians are determined to destroy Hungarian culture; that the Hungarians are determined to take back Transylvania.

Under Ceausescu, minority communities became increasingly diluted as Romanian in-migration was fostered (through special incentives and job transfers) and minority out-migration was forced to take place. Thus assimilation-by-decree was strengthened by integration of once ethnically homogeneous communities. As minorities seek to undo past wrongs, they run into a radically changed environment. The temptation is to return to the pre-Ceausescu *status quo ante*, reclaiming schools, printing houses, theaters and the like for minorities. But those institutions now have to serve a mixed population, and there is anger and disappointment on both sides.

The greatest danger, at present, is the rising influence of *Vatra Romaneasca*. By not distancing itself from *Vatra*'s nationalist and xenophobic platform, the Romanian government is perceived as tacitly condoning *Vatra*'s message and ideals. In addition to diverting attention away from more important social and economic problems, the government risks allowing more incidents like the clashes in Tirgu Mures to occur, and the further atomization of an already fractured society. To permit such an outcome would be a tragedy for all citizens of Romania.

Endnotes

1. Schopflin, George, and Poulton, Hugh, ROMANIA'S ETHNIC HUNGARIANS, A MINORITY RIGHTS GROUP REPORT, No. 37, p. 5 (April 1990).

2. Disputes over the exact number are longstanding; the last official census, taken in 1977, put the figure at 1.7 million, while some Hungarian organizations have suggested closer to 2.5 million.

3. Schopflin and Poulton, *op. cit.*, p. 6.

4. For a summary of the history of Transylvania, *see* Schopflin and Poulton, *op. cit.*, pp. 8-9.

5. *Id.*, p. 9.

6. *Idem.*

7. *Id.*, p. 11.

8. DESTROYING ETHNIC IDENTITY: THE HUNGARIANS OF ROMANIA, p. 12, (Helsinki Watch Report: February 1989).

9. Schopflin and Poulton, *op. cit.*, p. 14.

10. *Id.*, p. 17.

11. *See* DESTROYING ETHNIC IDENTITY, *op. cit.*, pp. 36-37.

12. Schopflin and Poulton, *op. cit.*, p. 16.

13. Pataki, Judith, *Free Hungarians in a Free Romania: Dream or Reality?*, REPORT ON EASTERN EUROPE, p. 18 (February 23, 1990).

14. *Id.*, p. 19.

15. *Id.*, p. 21.

16. *Id.*, p. 24.

17. Deletant, Dennis, *The Role of Vatra Romaneasca in Transylvania*, REPORT ON EASTERN EUROPE, p. 29 (February 1, 1991).

18. *Idem.*

19. Sturdza, Mihai, *Romanian Poll Shows Drop of Support for Front*, No. 69, RFE/RL DAILY REPORT, pp. 2-3 (April 10, 1991).

20. ROMANIA MARE, No. 31, p. 1:14 (1991). *(U.S. Embassy Bucharest, press translation.)*

21. AZI, p. 3, December 8, 1990; p. 3, December 9, 1990. *(U.S. Embassy Bucharest, press translation.)*

22. *See* Shafir, Michael, *Schopflinian Realism and Romanian Reality*, REPORT ON EASTERN EUROPE, p. 37 (February 15, 1991).

23. AZI, p. 1, March 13, 1991. *(U.S. Embassy Bucharest, press translation.)*

24. DOCUMENT OF THE COPENHAGEN MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION OF THE CSCE, Paragraphs 40.1 and 40.3 (June 1990).

25. ROMANIA LIBERA, p. 1, February 20, 1991. *(U.S. Embassy Bucharest, press translation.)*

26. PHOENIX, No. 9, p. 1:3 (1991). *(U.S. Embassy Bucharest, press translation.)*

27. Voyame, Joseph, Special Rapporteur to the United Nations Commission on Human Rights, *Report on the situation on human rights in Romania*, submitted to the Commission on Human Rights January 8, 1991, p. 26, United Nations Economic and Social Council, E/CN.4/1991/30.

28. Deletant, Dennis, *op. cit.*, p. 32.

29. SINCE THE REVOLUTION: HUMAN RIGHTS IN ROMANIA, p. 16 (Helsinki Watch Report, March 1991).

30. *Communique from* HUNGARIAN HUMAN RIGHTS FOUNDATION, April 12, 1991.

31. ROMANIA LIBERA, p. 7, October 20, 1990. *(U.S. Embassy Bucharest, press translation.)* The sentence was later reduced to 18 months after public outcry and appeal.

32. Voyame, Joseph, *op. cit.*, p. 24.

33. Pompey, Carmen, *Decision on Education Protested by Minorities*, p. 44, REPORT ON EASTERN EUROPE (July 6, 1990).

34. Voyame, Joseph, *op. cit.*, p. 24.

35. ROMANIA LIBERA, p. 5, March 12, 1991. *(U.S. Embassy Bucharest, press translation.)*

36. SINCE THE REVOLUTION, *op. cit.*, pp. 31-32. *See also*: *Interview with director of the Marosvasarhely (Tirgu Mures) puppet theater Smaranda Enache, "Parallel Interviews--Two Female Politicians from Transylvania"* (text). Budapest BESZELO in Hungarian (August 18, 1990). Translation by the Foreign Broadcast Information Service. FBIS JPRS REPORT--EAST EUROPE, October 11, 1990 (JPRS-EER-90-139; p. 3).

37. *Hungarian Relations Viewed, interview with Romanian Foreign Ministry Spokesman Ambassador Traian Chebeleu* (text). Bucharest ROMPRES in English (January 3, 1991). Translation by the Foreign Broadcast Information Service. FBIS DAILY REPORT--EAST EUROPE, January 4, 1991 (FBIS-EEU-91-003; pp. 22-23).

Turks in Bulgaria

The 5 century Ottoman rule in Bulgaria continues to exert a profound impact on Bulgarian society, in particular, on Bulgarian relations with its 1 million member Turkish minority. The legacy of Ottoman rule is compounded by the presence of a large and powerful Turkish state on Bulgaria's border.

Since the 1878 liberation from Ottoman rule, Bulgaria's treatment of its largest minority has ranged from relative tolerance to brutal repression, as exemplified in the 1984-89 communist government's forcible assimilation campaign.

Following the November 1989 downfall of Todor Zhivkov and subsequent reversal of the assimilation campaign, the government's treatment of the Turkish minority has improved substantially. Nevertheless, the Turkish minority continues to encounter obstacles to the full realization of its cultural and political rights, primarily due to the activity of small but vocal anti-Turkish nationalists.

Historical Background

Ethnic Turks began to settle in Bulgaria towards the end of the 14th century, after the region had been conquered by the Ottomans. Although they usually settled in separate villages, some intermingling of the populations resulted in the integration of some Bulgarians with the Turkish population. To this day, ethnic Turks live mostly in two areas of Bulgaria--southern Bulgaria (mostly Kurdzhali province) and northeastern Bulgaria around the towns of Razgrad, Shumen and Turgovishte.

The 5 centuries of Ottoman rule, often referred to as the "Ottoman yoke" by Bulgarians, left their mark on the Bulgarian national psyche. The ongoing memory of this rule is compounded by the presence of Turkey, with a population of 50 million, on Bulgaria's borders. The fear of a large and powerful Turkish state, as well as the considerably higher rate of population growth among ethnic Turks as opposed to ethnic Bulgarians, has profoundly affected Bulgarian attitudes towards its largest minority.

Following the liberation of Bulgaria from Ottoman domination in 1878 through the period of the Balkan wars, Turks were repressed and uprooted. Hundreds of thousands of Turks left Bulgaria following the formation of the modern Bulgarian state. Emigration decreased by the turn of the century and continued in moderation throughout the 1930's. Emigration virtually ceased during and immediately after World War II, since exit from Bulgaria was largely prohibited.[1]

Despite some early efforts following its rise to power in 1946, including the creation of a Turkish language department at Sofia University, and a number of Turkish language publications and schooling in Turkish, the communist government was never favorably disposed toward its Turkish minority and increasingly engaged in efforts to assimilate this and other minorities. However, ethnic Turks were recognized as a national minority. In late 1950 and again in 1968, the Bulgarian and Turkish governments reached agreements which allowed over 250,000 ethnic Turks to emigrate to Turkey. All emigration ceased in 1977. While the 1965 Bulgarian census noted the existence of significant numbers of ethnic Turks (746,755), Gypsies, and Macedonians, the Zhivkov regime concealed and distorted information about its minorities, reporting an almost homogeneous Bulgarian populace in subsequent counts. In the 1970's, the government curtailed the teaching of Turkish, abolishing Turkish schools and forbidding the teaching of classes in any language other than Bulgarian. The government increasingly pursued policies that denied and suppressed the ethnic identity of the country's largest minority--ethnic Turks.

Forcible Assimilation Campaign

In late 1984, the Bulgarian government embarked on a full-scale campaign to forcibly assimilate its estimated 1 million member Turkish minority (over 10 percent of the population). From December 1984 through the winter of 1985, the Bulgarian Government ordered members of the Turkish-speaking minority to change their Turkish names to Bulgarian ones. This campaign was carried out by the army and members of paramilitary organizations, often at gunpoint. Towns and villages in Turkish-speaking regions, mostly in the southern and northeastern areas of the country, were surrounded by army troops, usually in the early morning. Officials then went from house to house requiring residents to choose new Bulgarian names. Essential services, including medical care, were denied to persons presenting documents with the old names.

Despite Bulgarian government claims that the name change was voluntary and spontaneous, force was used, including torture and rape. Those who refused to accept the new names were threatened or arrested, and hundreds were reportedly killed by security forces. According to Amnesty International, over 250 ethnic Turks were arrested between December 1984 and March 1985 and imprisoned for their non-violent opposition to the campaign. Amnesty International received the names of over 100 members of the Turkish minority who allegedly were killed resisting the name changes. Others were forced to live and work in distant parts of the country.

Zhivkov Regime Measures to Eradicate Turkish Identity

During and following the brutal assimilation campaign, the state media asserted that no Turkish minority existed in Bulgaria. The media claimed instead, that there were only ethnic Bulgarians who "spontaneously and voluntarily" rediscovered their true Bulgarian identity, which had been suppressed during Ottoman rule. The government contended that the ethnic Turks are descendants of "Slav Bulgarians" who had been forcibly converted to Islam during the period of Ottoman rule and that Bulgaria was a "single-nationality state."

Following the name change campaign, the Bulgarian government took systematic measures to eradicate Turkish identity. For all practical purposes, activities pertaining to Turkish ethnic identity and Islamic religious practice were forbidden. Turks who did not change their names were not permitted to work in state enterprises or receive government services. Some were forcibly resettled into non-Turkish areas of the country. Despite official denials to the contrary, the wearing of Turkish dress (e.g. shalvari) and the use of the Turkish language were forbidden. Fines were levied for speaking Turkish. Possessing Turkish language publications or even listening to Turkish radio was forbidden. Letters within Bulgaria, if written in Turkish (even with a Bulgarian address on the envelope) often did not reach their destinations. Individuals from the West speaking Turkish to their relatives in Bulgaria were disconnected or interrupted by operators and told to speak Bulgarian.

Many predominantly Turkish areas were made inaccessible to foreign diplomats and travelers. Journalists and diplomats who received permission to visit did so only under heavy surveillance. [2]

Protests Force Change

In May 1989, the growing restlessness among the ethnic Turkish population culminated in a wave of protests against the assimilation campaign. These protests were launched by the Democratic League for the Defense of Human Rights, formed in November 1988 by ethnic Turks. Hundreds of thousands of ethnic Turks participated in these largely peaceful demonstrations, which provoked a violent reaction from the government. Scores of Turks were killed or wounded and many others detained. Authorities, alarmed by the protests, expelled several thousand ethnic Turkish activists, and then encouraged hundreds of thousands of additional Turks to leave for Turkey, many with little advance warning and with a minimal amount of personal property. Over the next 3 months, more than 300,000 Turks left Bulgaria. Nearly half of them have since returned.

The Bulgarian government's campaign of forced assimilation, and especially the 1989 exodus of ethnic Turks has been the subject of international attention. The treatment of the Turkish minority has been raised at numerous international forums of the Conference on Security and Cooperation in Europe and the United Nations and was widely condemned by Turkey, the United States and other Western governments. Many Islamic countries and private human rights groups such as Amnesty International and Helsinki Watch also protested this harsh treatment. The firm stand of Western governments on human rights, especially on the issue of the Bulgarian government's treatment of its Turkish minority, at the October 1989 CSCE Sofia Environmental Meeting directly contributed to positive changes in Bulgaria.

Reversal of Assimilation Campaign

Six weeks after Bulgarian leader Todor Zhivkov's downfall, on December 29, 1989, the government decided to stop the forcible assimilation campaign and restore the rights of ethnic Turks and other Muslim minorities. Following the decision, there were protests in Sofia and in mixed-population cities in southern and northeastern Bulgaria by anti-Turkish Bulgarian nationalists against the restoration of minority rights . The protests were fanned by Zhivkov's assimilation policy and anti-Turkish propaganda. Also, there is strong evidence that the demonstrations were fueled by hard-line communists trying to divert the country from democratic reforms and by local party officials concerned about the prospects of losing their jobs.

On January 12, 1990, an unprecedented citizens' commission, including Party officials, opposition leaders, ethnic Turks and Bulgarian nationalists presented the National Assembly with a resolution meant to settle the dispute. On January 15, the National Assembly adopted an 11-point declaration to clarify minorities' rights. The declaration provided that all Bulgarian citizens are equal before the law, every citizen has the right to freedom of religion and to freely choose a name; and that the Bulgarian language is the official state language, although in private conversation citizens may use any language they wish.

On March 5, 1990, the National Assembly approved a law allowing both ethnic Turks and Pomaks (ethnic Bulgarian Muslims) to restore their Islamic names. The law required a court procedure at which two witnesses had to support the application, and gave judges the authority to deny the application. On November 15, 1990, an amendment to the law was approved. Ethnic Turks are now permitted to restore their names through an administrative rather than a court process.

The Current situation

Clearly, recent changes in official policy, part of Bulgaria's efforts to establish a genuine democracy, have brought tangible improvements in the day-to-day lives of ethnic Turks. Mosques are rapidly reopening and Islamic religious ceremonies including weddings, funerals and burials are permitted. Circumcision is generally allowed for children above the age of five, but only if performed in a hospital. People may speak Turkish openly and can again wear traditional Turkish dress. Islamic institutes and secondary schools have been opened in Sofia and Shumen, and an Islamic cultural center in Varna in October 1990. Religious literature can be imported, published and distributed. On February 12, 1991, the first weekly newspaper in Turkish since the assimilation campaign, called "Rights and Freedoms," appeared. It is the publication of the "Rights and Freedoms Movement."

In addition, professional opportunities have begun to increase, with the lifting of unofficial prohibitions on the admission of Turks into medical and teaching careers. And by the end of 1991, Bulgaria, in cooperation with the United Nations, plans to conduct a census of the population which will include questions about ethnic affiliation, mother tongue, and religion.

Despite the reversal of the assimilation campaign, and other tangible progress, the Turkish minority continues to experience significant problems. On the economic front, the Turkish unemployment rate is higher than that of ethnic Bulgarians, especially among women and those returning from Turkey. Some returnees also continue to experience problems in seeking restitution of their properties. Reports of violations of minority rights by local officials who do not comply with national directives continue.

One issue which is both a measure of the progress made since Zhivkov's ouster and an illustration of the continuing constraints on Turkish minority rights is the use of Turkish in schools. The question of whether to introduce Turkish language study in Bulgarian schools has not yet been fully resolved, in part due to the fear of a backlash from Bulgarian nationalists.

According to the Bulgarian Constitution, citizens of non-Bulgarian origin have the right to study their own language along with the obligatory Bulgarian. On January 25, 1991, the Political Consultative Council of the Presidency recognized, at least in principle, the constitutional right to study Turkish. The council agreed that Turkish language classes should be optional, but taught under the supervision of the state by Bulgarian teachers using Bulgarian textbooks.

Bulgarian ultra-nationalist groups, such as the Committee for the Defense of National Interests, oppose plans to allow students to take Turkish language courses. Several parties, united in the Bulgarian National Union (set up on February 8, 1991), have come out against Turkish-language instruction. In late January 1991, the Bulgarian National Radical Party, for example, criticized the President's Office for holding consultations on Turkish-language lessons, viewing such lessons as a great threat to Bulgaria's security.

In February 1991, ethnic Turkish children in southern Bulgaria went on strike, boycotting classes, because Turkish-language classes were left out of the curriculum. On February 14, Bulgarian Education Minister Matey Mateev announced that Turkish language instruction would be introduced on March 1, 1991, on a limited experimental basis. This announcement "provoked angry reactions from nationalist groups and among parents of some ethnic Bulgarian pupils." [3]

On February 19, 1991, ethnic tensions in Kurdzhali over the language issue led to the resignation of most of the local municipal council and in late February and early March, nationalist groups staged hunger strikes and sit-ins against the language decision.

The government is confronted with small but vocal Bulgarian anti-Turkish nationalist groups, some of which include former communists. These groups, which draw their support primarily from ethnic Bulgarians living in areas heavily populated by ethnic Turks, have attempted to take advantage of the majority population's historical fear of the Turks. This widespread distrust of the Turks and Turkey was consciously cultivated and capitalized upon during the 1984-89 forcible assimilation campaign. One example of anti-Turkish feelings was the creation, in late November 1990, by such nationalists of the "Razgrad Republic of Bulgaria" in northeastern Bulgaria. This so-called republic declared the president, government and parliament to be illegitimate and threatened to wage a "life and death struggle for the nation's survival." Following condemnation by President Zhelev and criticism for being separatist, they declared themselves the "Association of Free Cities with Free Bulgarian Citizens." Other anti-Turkish sentiment has been voiced by several small "neo-fascist clubs" and by an alternative parliament set up by some 600 adherents of the extreme nationalist Bulgarian National Radical Party (BNRP) in April 1991.[4]

Although the parliament (reportedly on the strength of the Bulgarian Socialist Party majority) delayed the full implementation of optional Turkish language classes until the fall of 1991, Prime Minister Popov has criticized Bulgarian ultra-nationalists and has reiterated his government's commitment to guarantee the basic rights of all Bulgarian citizens, regardless of ethnic origin. Furthermore, despite the anti-Turkish protests, experimental Turkish language classes in some village schools in ethnic Turkish regions continued through spring 1991.

Political Developments

With the June 1990 election of 23 representatives of Ahmet Dogan's Movement for Rights and Freedoms to the parliament, ethnic Turks now have increasing opportunities to participate in Bulgarian political life for the first time since 1944. Nevertheless, because the current constitution prohibits registration of political parties formed on religious or ethnic grounds, the MRF's future as a party is uncertain. MRF leader Dogan has insisted that MRF has no interest "in Bulgaria's turning into a second Lebanon" and categorically rules out separatism, arguing that consolidation of the nation is one of the most important prerequisites for Bulgaria's democratization. [5]

While MRF's overriding aim is to promote rights and freedoms for all Bulgarians, its platform also advocates an end to discrimination against ethnic minorities in society and indicates that minorities are under-represented at higher levels of the country's political and business establishment.[6] The platform also makes a number of specific recommendations with respect to ethnic Turks on measures to restore their cultural and religious identity, including the optional teaching of Turkish in Bulgarian schools to ethnic Turkish pupils. Indeed, MRF deputies to the Bulgarian parliament staged a walkout following the Parliament's March 8, 1991 vote to implement optional instruction in the Turkish language only at the beginning of the next school year, arguing for the immediate introduction of such classes. They argued that the delay represented a moratorium on the constitutional right of all Bulgarian citizens to study in their mother tongue. MRF deputies also staged a walk out on June 7 during a debate on the draft constitution, notably on an article which says that Bulgarian is the official language and adds that its use is compulsory in public dealings and state institutions.[7]

One possible positive factor in the lessening Bulgarian fears of its Turkish minority is improved relations between Bulgaria and Turkey. Discussions on cooperation and assistance have been taking place since September 1990. Turkey, evidently sufficiently persuaded by Bulgaria's efforts to guarantee the rights of ethnic Turks, is providing economic and health care assistance to Bulgaria. In late May, 1991, agreement was reached in Ankara between the Bulgarians and Turks "to prepare a declaration on good-neighborly relations, friendship, and cooperation between the Republic of Bulgaria and the Republic of Turkey, as well as to update treaty-legal relations between the two countries."[8] On the other hand, some Bulgarians, especially in the Kurdzhali region, still harbor suspicions that Turkey has territorial designs on parts of Bulgaria. Fears are also expressed about southern Bulgaria becoming an "open trade zone" in which there would be an influx of Turkish capital and influence.[9]

Concrete measures continue to be taken in guaranteeing ethnic Turkish minority rights, and their situation has clearly improved. Nevertheless, the historical wounds among the Bulgarians and their Turkish minority have not yet disappeared and still threaten to impede further progress.

Endnotes

1. *See* Polton, Hugh. MINORITIES IN THE BALKANS, The Minority Rights group, Report No. 82, London (1989). pp. 5-12.

2. Sources for the **Forcible Assimilation Campaign** section of the report include: various reports and hearings of the Commission on Security and Cooperation in Europe; BULGARIA: IMPRISONMENT OF ETHNIC TURKS, Amnesty International, 1986; DESTROYING ETHNIC IDENTITY: THE TURKS OF BULGARIA, Helsinki Watch, 1986; DESTROYING ETHNIC IDENTITY: THE EXPULSION OF THE BULGARIAN TURKS, Helsinki Watch, 1989; U.S. Department of State--Semiannual Reports to the Commission on Security and Cooperation in Europe (1985 through 1989).

3. Slavov, George, *Growing Ethnic Tensions in Bulgaria,* RADIO FREE EUROPE/RADIO LIBERTY DAILY REPORT, No. 35, p. 2, February 19, 1991.

4. *See* Nikolaev, Rada, *Bulgarian Nationalists Set Up Alternative Parliament*, No. 72, RADIO FREE EUROPE/RADIO LIBERTY DAILY REPORT, p. 2 (April 15, 1991) and Slavov, George, *Neo-Nazis in Bulgaria*, No. 77, RADIO FREE EUROPE/RADIO LIBERTY DAILY REPORT, p. 1 (April 22, 1991).

5. Sofia Bulgarian Telegraph Agency, November 5, 1990: *reprinted in* FOREIGN BROADCAST INFORMATION SERVICE-East Europe-90-215, November 6, 1990.

6. Engelbrekt, Kjell, *The Movement for Rights and Freedoms*, REPORT ON EASTERN EUROPE, May 31, 1991, p. 7.

7. Nikolaev, Rada, *More Legislators Stage Walkout in Bulgaria*, RADIO FREE EUROPE/RADIO LIBERTY DAILY REPORT, No. 108, June 10, 1991, p. 2.

8. *Vulkov Returns from Turkey; Visit Viewed*, DUMA, May 30, 1991 in FBIS-EEU-91-108.

9. Sofia Duma, p. 4 (November 26, 1990) *reprinted in* FOREIGN BROADCAST INFORMATION SERVICE-East Europe-90-232, December 3, 1990.